

THE MAN WHO MADE THE MOVIES

The Meteoric Rise and Tragic Fall of **William Fox**

VANDA KREFFT



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OF WILLIAM FOX

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DEDICATION

To the late Angela Fox Dunn, the keeper of the flame

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PROLOGUE

"The Biggest Deal in Motion Picture History"

In the sunny, unusually warm early afternoon of Sunday, March 3, 1929, despite the competing call of preparations for Herbert Hoover's inauguration the following day in Washington, DC, reporters from major newspapers and entertainment trade publications made their way over to the Roxy Theatre at Fiftieth Street and Seventh Avenue. Known as "the Cathedral of the Motion Picture," the \$12 million Roxy was the world's largest and most spectacular movie theater, with 5,920 seats and staggeringly lavish appointments.

Past the half-block-long ochre-and-slate-colored Spanish Baroque façade, under the marquee that blazed nightly with the power of 4,500 bulbs, the reporters filed in through the entrance to the Roxy's ticket vestibule. A little farther beyond lay the outer court of the Roxy's splendid fantasy world: a five-story lobby rotunda bordered by green marble columns and ornamented with wine-colored hanging draperies, gold leaf wall decoration, deep pile carpeting, and a one-and-a-half-ton crystal chandelier. Farther still was the palatial theater itself, with its 110-piece symphony orchestra pit, three massive organ consoles, and ornate proscenium arch. Along with a movie, the Roxy's bill of fare included symphony orchestra performances, dance recitals, newsreels, and live theater vignettes.

Today, however, the big story would not take place on the Roxy's stage or screen. Up the executive elevator the reporters rode, past the fully equipped nurses' station and above the basement electrical plant capable of generating enough power for a city of twenty-five thousand. Exiting at the fifth floor, they headed for the private screening room to wait for William Fox, founder of Fox Film and Fox Theatres and owner of the Roxy. Some reporters flopped into the easy chairs scattered around the room. Others lounged against the grand piano, which was piled high with hats and coats. A table held light refreshments.

Was it really true?

Three days earlier, on Thursday, February 28, 1929, Film Daily had run a front-page article headlined "Fox Buys Loew's, M-G-M." The text began, "The biggest deal in motion picture history has been closed." According to Film Daily, in an agreement finalized the previous Monday, Fox, whose Fox Film was Hollywood's thirdlargest movie studio, had secretly acquired a controlling interest in Loew's, Inc., a 175-house national theater chain that was also the parent company of M-G-M, Hollywood's second-most-successful studio. With the American movie industry growing explosively— 1928 revenues had doubled those of 1926—Loew's was a red-hot property. The company had total assets of \$109 million and annual profits of \$8.6 million, and it owned some of the country's most prestigious theaters. Almost all of Loew's venues were Class-A, highcapacity, first-run houses, and not one was a "shooting gallery," as cheap penny arcades were known. M-G-M, which Loew's owned entirely, ranked second only to Paramount in assets and boasted stars Greta Garbo, Joan Crawford, Buster Keaton, John Gilbert, Lionel Barrymore, Lon Chaney, William Haines, and Norma Shearer. Moreover, because deceased company founder Marcus Loew had been exceptionally well liked and admired for his integrity, the company enjoyed tremendous goodwill within the industry.

Since Loew's sudden death from a heart attack in 1927, a large block of the family's stock had been up for sale. If Fox really had bought Loew's, Fox Film would instantly vault into first place, knocking aside Paramount, and Fox Theatres would expand to include about eight hundred U.S. houses, surpassing Paramount-Publix as the largest movie theater circuit in the country.

"I have no interest in acquiring the chain. I don't want to buy it," Fox had hotly insisted ever since rumors of his interest in Loew's surfaced several months before.* Yet, in the wake of the *Film Daily* report, the Fox organization had fallen silent, refusing to either confirm or deny the sale. Other publications, including the *New York Times*, repeated the rumor of a probable takeover.

Then, one day after the *Film Daily* article, on Friday, March 1, 1929, Fox Film's publicity chief sent a ten-word telegram to the editors of all the major daily newspapers, show business trade publications, and press associations: "William Fox will make an important announcement Sunday 2 p.m." That in itself was news. Fox hadn't held a press conference in years. Unlike his peers (showboat personalities, most of them), he shunned the public stage. He hated to be interviewed and couldn't stand to see his picture in the paper. Only his accomplishments, his wonderful movies and his beautiful theaters, deserved attention.

Despite the persistence of the rumors, many considered the deal highly unlikely. Warner Bros. was the front-runner to get Loew's. The Warners' bankers, Goldman Sachs, were reportedly preparing to organize a \$200 million holding company to facilitate the acquisition of Loew's, and by late February, the Warners had purchased a significant block of Loew's stock at \$100 a share from General Motors founder William C. Durant. Anticipating success, many Warner Bros. employees and outside speculators bought heavily into Warner stock.

Still, there was no counting Fox out. Raised in appalling poverty on the Lower East Side, with only a third-grade education, fifty-year-old Fox had transformed \$1,666 saved from garment industry sweatshop jobs into an international movie production, distribution, and exhibition empire valued at \$120 million. Since his start in 1904 as a small theater owner, he had labored feverishly to transform the raffish, nickel-a-ticket entertainment business into a respected art form and a major industry.

All this Fox had done with single-handed control over his two

companies, Fox Film and Fox Theatres, and with remarkably little reliance on the Wall Street financial establishment, which during the 1920s had come to control industrial expansion in America. All the other major studio heads had, on their boards of directors, bankers to whom they were compelled to defer. Fox had relatives, friends, and employees. What he said went. "The lone eagle," the press nicknamed him.

In his sixth floor Roxy Theatre office, with its thick carpets and several phones on the desk, "the little fox," as he preferred to think of himself, waited before the press conference. At five foot seven, with a receding hairline, prominent nose, sadly sloping eyes, and thickset torso, Fox was physically unprepossessing, the sort of person one might pass countless times on the street without really noticing him. Had he not owned the company, he might have been hired for one of his movies to play a mourner in a funeral scene or to fill out a crowd as an overall-clad, lunch box–carrying laborer. Today, because it was a Sunday, he was casually dressed, wearing a cashmere sweater instead of his usual custom-tailored suit jacket.

Keeping him company in his office was his second-in-command, Winfield "Winnie" Sheehan, general manager and head of production at Fox Film. A ruddy-faced bulldog type who started his career as a newspaper reporter and then gained prominence as the private secretary to New York City police commissioner Rhinelander Waldo, Sheehan had a gregarious, bon vivant personality. Fox liked him and trusted him. They had known each other for about twenty years. Sheehan was the first person Fox hired when he went into film production, and because, at that time, neither of them knew anything about it, they had learned the business together. Sheehan had turned out to be remarkably clever and effective, if not universally admired.

Fox's mood was somber. The timing was wrong, all wrong. He had been forced into holding this press conference, and if handled awkwardly, it could have disastrous consequences.

It was true that Fox had bought the Loew family's 400,000

shares of Loew's, Inc., and true that he considered the stock to represent a controlling interest in the company even though it amounted to less than one-third of the total 1,334,453 outstanding shares. All the other shares were so widely dispersed that it was highly unlikely any effective coalition could ever be formed against him. It was equally unlikely that anyone would want to form a coalition against him. Fox had always made money for his stockholders.

However, he could not safely reveal any details of the transaction to the press. A takeover of Loew's still required approval from the U.S. Department of Justice, which would have to decide whether combining the second- and third-largest motion picture companies would unreasonably reduce competition in the industry. Fox thought he had settled the matter weeks earlier. Before buying the Loew family's stock, he had traveled to Santa Fe, New Mexico, to meet with William "Wild Bill" Donovan, the assistant attorney general in charge of antitrust. At that time, Donovan was widely expected to become Hoover's new U.S. attorney general. Donovan assured Fox that he would not object to the Loew's stock purchase.

But now Donovan was not going to become attorney general. On February 27, four days before Fox's press conference, the *New York Times* reported that Hoover had abruptly switched his choice to the Justice Department's second-ranked official, Solicitor General William D. Mitchell. Mitchell had no obligation to retain any of his predecessor's staff or to honor any informal assurances given by them. Fox was frantically trying to assess Mitchell's views. On this very day, March 3, 1929, a Fox Movietone newsreel crew was in Washington, DC, recording a statement of "philosophy" by Mitchell. How much would Mitchell want to make his own mark? Fox would have to proceed very cautiously. If he were to come across today as bragging, Mitchell might rear up and oppose the Loew's deal.

And if Mitchell decided against him, Fox would be ruined. Toward the stock's \$50 million purchase price, he had secretly borrowed \$27 million—\$15 million from AT&T and \$12 million from the Halsey, Stuart banking firm. Both loans would fall due by April 1, 1930. Fox had planned to refinance the debt by merging

the Fox companies with Loew's and selling stock in the new behemoth corporation. If there were no merger, there could be no stock sale. Yet Fox had nowhere else to go for the money. He didn't have \$27 million on hand, and the Fox companies couldn't earn that much in a year. Neither could he simply sell the Loew's shares to get his money back. On the open market, the shares were worth only about \$33.6 million. Fox had paid a high premium (\$125 per share compared to a market price of \$84) to get such a large block of stock all at once. He also wouldn't be able to sell the Loew's shares to any other large studio. If he weren't able to get government approval for the deal, then neither would anyone else.

And if the acquisition failed, then Fox Film and Fox Theatres would fail, and his life's work, the driving purpose of his existence, would end.

Not for nothing had Fox once been a stage performer and not for nothing had he already overcome many tremendous challenges. He had started his working life earning eight dollars for a sixty-hour week of manual labor in the garment industry, and people called him "a nut" when he decided to enter the movie business. So far, he had surmounted every obstacle and defeated every adversary. At heart, he was an optimist. One of his early ads read, "There's a remedy for every ill." Today, too, he could triumph.

Shortly after 2:00 p.m., four more men walked quietly into the Roxy's projection room and settled into the easy chairs. No one took much notice. They looked ordinary, not much different from the group already gathered there. The newcomers were fellow scribes, apparently, probably delayed by some last-minute piece of newsroom business.*

"I am William Fox," one of the four newcomers began quietly. "This gentleman is Winfield Sheehan."

Conversation immediately hushed. Fox had the sort of electrifying energy that changed everything—"the compelling force that made people do what he wanted," according to one

acquaintance.

Fox introduced the two other men in his group, "Mr. Nicholas Schenck and Mr. Bernstein." Schenck was the president of Loew's, Inc. David Bernstein, considered a financial genius, was Loew's vice president. Both men had been with Loew's since its beginning and had been close, trusted friends of Marcus Loew.

As pencils and pens hovered over notepads, Fox detoured into reminiscence. He never tired of telling this story. "All my savings were in it," he explained, recalling his purchase twenty-five years earlier of his first theater, a 146-seater, at 700 Broadway in Brooklyn. "The second night I stood outside and wondered how to get customers. We weren't doing a thing. Anybody could see I was downhearted." After he hired a circus performer to do tricks on the sidewalk, Fox noted, everything changed. "Inside a week we had the place packed and were using police reserves."

A few moments later, he snapped back to the present, asking that copies of his one-page, six-paragraph typed press release be passed around the room. Its language was subdued. "Fox Theatres Corporation has purchased a substantial block of the common stock of Loew's Incorporated," the statement began. "The officials and executives of the Metro-Goldwyn-Mayer studio in California will continue in authority and the production personnel and activities will be unchanged." Likewise, none of the policies or personnel of M-G-M's parent company, Loew's, would change. Neither of the terms *takeover* or *merger* was used. The rationale for the stock purchase, according to the press release, was simply to help Fox Theatres bring "a vastly improved quality of screen entertainment" to audiences worldwide.

Instantly, a barrage of questions assaulted Fox and his executive phalanx. They simply repeated information from the press release.

The reporters closed their notepads and rushed out to file their stories.

Now head of a \$300 million empire with projected annual earnings of \$15–\$20 million, William Fox had just become the most powerful person in the worldwide motion picture industry. Expressing the majority opinion, the trade journal *Exhibitors Herald*-

World applauded Fox's "vision," "energy," and "consummate courage," and gushed that the industry was lucky to have a leader who "has the future of motion pictures close at heart."

In less than a year, Fox's life would turn upside down and his oncemasterful stroke in acquiring the Loew's shares would be excoriated as the height of reckless folly—a greedy, self-destructive grab for power. Subsequent events, mired in the chaos and panic of the Great Depression, would destroy Fox's motion picture career. Then film history buried him. If character is fate, then fate is character: All along he must have been the sort of person who deserved what eventually happened to him. He wasn't worth remembering.

That simplification ignores enormous portions of the truth and cheats Fox of the complexity of his character and historical circumstances. In fact, he brilliantly transcended his times and also blindly fell victim to them. Yet what happened later does not change what went before. For all his pivotal contributions to the art, technology, and business of the movies, widely celebrated in his day, Fox was the greatest of all the studio founders. A fighter and a dreamer who relied on clear-eyed vision and an indomitable will, he did more than anyone else to make the movies what they are today.

PART I BEGINNINGS

1879-1903

Promises

In many ways, the father's failures were father to the man. Publicly, William Fox always spoke tolerantly and even with amusement about Michael Fox. Privately, he detested him. At his father's funeral at New York's Mount Hebron Cemetery in January 1936, Fox spat on the casket and muttered, "You son of a bitch." Then fifty-seven and long a multimillionaire, he could not forget, nor would he choose to forgive, what he always viewed as the unnecessary deprivations of his childhood. His fierce, unrelenting ambition to succeed reflected not only an enchanted passion for the movies, but also an elemental desire not to repeat his father's apathetic indolence and capricious irresponsibility, a fervent wish not to be Michael.

A photo of Michael, probably from the late 1920s, shows him sitting stiffly on a horse, wearing a suit with a white shirt and a bow tie, smiling slightly as if he were doing his best to play the part assigned to him. He looks sad and awkward, a somewhat ridiculous figure aware of his own ridiculousness.

Michael Fox never felt at home in America.

Born in Hungary in 1856, he uprooted his wife and firstborn infant son in 1879 to pursue dreams that quickly turned to dust. The Fuchses—the family name was changed to Fox at New York's Castle Garden immigration station—were not lacking, luckless peasants with everything to gain and nothing to lose by leaving their homeland. They lived in the agricultural town of Tolcsva,*

some 124 miles northeast of Budapest in the thriving Tokaj wine region, then the most densely populated part of Hungary. An area of gently rolling hills with rich alluvial soil and a microclimate especially suited to viticulture, Tokaj had for two centuries produced some of the world's finest wines. The climate was pleasant, offering warm summers and long, sunny autumns, and the population was a peaceable, diverse mix of immigrants from Poland, Germany, Slovakia, and Greece. Unlike traditional fortified western European settlements, Tolcsva was a "field town," with agricultural plots interspersed among its shops, churches, and offices.

According to Fox, Michael operated a general merchandise store in the town, which was one of the more important centers of Tokaj. Fox did have a tendency to invent a cheerful past when he believed that no records existed, and to regard facts as trifling obstacles that could easily be trampled in the rush toward an entertaining story. Nonetheless, his claim about his father's occupation is plausible. Although the Fuchses were Jewish and although, elsewhere in eastern Europe, anti-Semitism had exiled Jews to remote, squalid shtetls and severely restricted employment, Hungary offered exceptionally fair treatment. The 1782 Edict of Tolerance issued by Emperor Joseph II of Austria (which had ruled Hungary since the late seventeenth century) allowed Jewish children to attend public, formerly Christian-only schools, opened new professions to Jews, and ended humiliating clothing distinctions. While anti-Semitism was not extinct, by the latter half of the nineteenth century, Hungarian Jews had achieved a "swift, and, to all appearances, successful assimilation and equalization," with a social position favorable, infinitely less "infinitely more impaired discrimination" than that of Jews in nearby nations. Jews were especially active in commerce, and Michael's father, Jacob, had been a money broker. Michael, the second-eldest son among ten children, likewise preferred town life. According to family stories, as a young man he affected dandyish airs, wearing his hat cocked to one side and strutting with a walking stick.

Fox claimed that back in the old country, his father developed a

sideline business as a dentist, specializing in painless tooth extraction. According to Fox, who claimed to have seen his father's dentistry instruments when he was five or six, "The patient would sit in the chair and strip himself to the waist. Just at the crucial moment, someone would touch the patient with a red hot iron on the back and that would be so painful that at the time of extraction, the patient felt no pain from the tooth."

In 1877, twenty-one-year-old Michael married sixteen-year-old Anna Fried, a good-humored girl with deep-set blue eyes, a round, doll-like face, and a pale, delicate complexion. Anna's family had a ninety-nine-year lease on a piece of farmland in Tolcsva. Probably the Frieds (who, like the Fuchses, were German-speaking Jews) did not oversee a major expanse: more than half Hungary's landowning population held less than five *jochs* each (about 5.35 acres). Still, by having anything at all, the Frieds were comparatively fortunate. In an overwhelmingly agrarian society—as late as 1910, only 22 percent of Hungary's population lived in urban areas—some 1.5 million people had no land at all.

Although Anna would turn out to be the mainstay for her children, hardworking and long suffering through many miseries, as a young woman, she dreamed of romance. Known for her red leather boots and the bunches of ribbons she braided through her auburn hair, Anna managed to visit Budapest twice before her marriage. There, she dined in a restaurant, saw a play, and had a tintype portrait made of herself. On one trip, she fell in love with a Gentile. Showing more courage than wisdom, she told her father. He responded by striking her for the first time in his life and then hiring the local matchmaker to find her a suitable Jewish husband. The search produced Michael, whom Anna had no choice but to accept.

In addition to the roughly equal financial status of their families, Michael and Anna would have enjoyed a cultural advantage because they both spoke German as their first language. Hungary had three main languages, and delineations of social status often followed the divisions of speech. German was the language of power, the language of the ruling Austrian House of Habsburg and

that of Hungary's nobility and its small bourgeoisie. German was also the language of economic strength. In the latter half of the nineteenth century, Germany served as Europe's tent pole economy, supporting the prosperity of the rest of the continent. German was the language of official documents, the arts, and scholarship. Hungary's second language, Latin, belonged to the church and, more broadly, to spiritual life, as most Hungarians were Roman Catholics. Last, the ragged stepchild of the group, was Hungarian, which was spoken by the great masses of peasants.

As often happened among Orthodox Jews of that era, Michael Fuchs and Anna Fried met only once before their wedding. On that occasion, Michael called on the Frieds carrying a huge basket of fruit. The couple did not instantly take to one another. They were too different and each one too strong willed to change easily. Michael was a restless dreamer who always believed, wherever he was and whatever his circumstances, that life had to be better somewhere else. Anna was a realist who loved her home and her family: wherever she was, there she became rooted. She loved the Hungarian culture. As a young girl, she spent hours listening to the stories of the gypsies who camped on the perimeter of her family's land. These ancient tales she energetically told and retold throughout her life. Fox would recall, "Through some of these overly sentimental stories you could almost hear the plaintive cry of gypsy violins!" If Michael was the wind, Anna was the earth.

Despite the couple's lack of passion for each other, Anna quickly settled down to the business of keeping a kosher household and starting a family. The birth of their first child, Wilhelm (a name he would never use), on January 1, 1879, appears to have precipitated a crisis for the twenty-two-year-old father. Suddenly, Michael decided to try to find his brother who had moved to the United States ten years before and who, after eight years, had stopped writing home.

Perhaps, in yearning to leave, Michael feared his new responsibilities and acted on instinct. Perhaps he wondered how his son would see him as the boy grew up. Michael was proud and wanted to project authority. Hungary, however, offered no hope for individual advancement. Centuries of baleful history made sure of that.

The national heritage was one of doomed, lonely struggle in a hostile world. Ever since its founding around 896 by Arpad the Conqueror, Hungary had tried and failed to align itself with the progressive traditions of western Europe. In the thirteenth century, a Mongol invasion killed off the House of Arpad dynasty and decimated the Hungarian population. Hungary rebuilt itself, only to get trounced again, in 1526, at the Battle of Mohács, where Turkish leader Suleiman I the Magnificent slaughtered fifteen thousand Hungarian troops and began one hundred and fifty years of rule by the Ottoman Empire. When the empire collapsed in the late seventeenth century, the Austrian House of Habsburg took over. Hungarian nationalists tried to assert independence via a revolution launched in March 1848, but fifteen months later, Russian troops, invited by the Austrians, swept in and helped crush the upstarts. The compromise of 1867 established the partnership of Austria-Hungary, but still fell short of the goal of national selfdetermination.

This ruinous struggle with belligerent foreign powers prevented Hungary from evolving toward democracy and industrialization along the course of its neighbors and promoted a huge gap between the aristocracy and the commoner. At the beginning of the nineteenth century, Hungarian nobles clung so tightly to the feudal system that the country might as well have been living in the Middle Ages. Among a population of 12.9 million, some 540,000 nobles held all the political power because only they could hold office. Nobles also controlled almost all the national wealth, owning four-fifths of Hungary's land, yet paying no taxes—that latter privilege fell to the lower classes, resulting in an upside-down situation where those least able to do so had to carry the entire financial burden of running the state.

Commoners such as Michael Fuchs had no chance to get ahead. Buying land was next to impossible. To protect their holdings, Hungarian nobles had adopted a system of entailed land known generally as mortmain, or "dead hand," which meant that some twenty-five million acres of large estates could not be sold but had to remain under the control of individuals, families, trusts, or religious or state organizations. Neither could one prosper greatly as a merchant. Because of mortmain, land could not be pledged as security for the loans necessary to undertake modernization and achieve greater agricultural efficiency. Although wheat was the country's main crop, and although peasants worked in the field "from blind darkness to blind darkness," by 1880, exports had dwindled to a standstill. Even factoring in transportation costs, other European countries found it cheaper to buy wheat from overseas than from Hungary. Control by "dead hand" choked industrial development as well. In 1840, although Hungary constituted 55 percent of the Austrian monarchy's land, it provided only 7 percent of the industrial output. By the latter half of the nineteenth century, when Michael Fuchs was a young man contemplating his future, his homeland seemed to be sinking under the weight of its pernicious past.

Improvement was highly unlikely. So thought the leading midnineteenth-century Hungarian intellectuals whose work influenced the outlook of Michael's generation. On Easter Sunday in 1860, four years after Michael's birth, the beloved nationalist hero Count István Széchenyi suffered a mental breakdown and fatally shot himself. Watching the revolution begin to go bad in the summer of 1848, Széchenyi had written in his diary, "I can read the stars: blood and blood everywhere. Brother kills brother, nationalities massacre each other implacably and insanely . . . Roaming troops devastate everything we had built." Another revered figure of the 1848 revolution, poet Sandor Petofi, despaired, "We are the most forsaken of all peoples on this earth."

In the 1850s the exodus began. Between 1871 and 1913, an estimated 1.9 million Hungarians, including entire villages, would transplant themselves to America. Adventurous young men, Michael's aforementioned brother among them, saved their money to buy passage and then wrote letters home about plentiful factory jobs, decent wages, social equality, ample food, and lack of surveillance by the government. Many also sent back money, gold

pieces sometimes. "America fever" began to burn contagiously among this energetic but beleaguered population.

When his brother stopped writing, Michael may have imagined that he was too busy, too successful, too rich to bother anymore with his Old Country family. What one brother had obtained, surely another could, too.

Michael and Anna began to save, and when they had enough money for one third-class fare to the United States, Anna bought a ticket for Michael. The couple stayed up all night talking, planning, and studying a map.

Michael sailed for New York in the spring of 1879, and that September, eighteen-year-old Anna and nine-month-old Wilhelm followed. The journey was undoubtedly terrifying and would have begun with a wagon or train trip to a port city, probably Hamburg, Germany, from which most Hungarians left for America before 1890. Possibly Michael never expected his young wife to leave her beloved homeland. Sentimental ties to the past and suspicion of change permeated Hungarian culture. Michael had left Anna the general store; she decided to sell it in order to come to America after he made it clear he would not return. If Michael had hoped to start over by himself in the New World, he underestimated Anna's devotion to her family. Michael was not only her husband but also the father of her child, and to Anna that meant they all belonged together.

Whatever he had promised, whatever he had believed himself capable of accomplishing, Michael had in fact little to offer his young family in New York. Collecting his wife and child, he took them back along the path of so many other newly arrived immigrants to settle into tenement housing on the Lower East Side, which was then a frightful accretion of poverty, dirt, disease, and crime. Between 1800 and 1880, the year after the Fox family's arrival, the city's population exploded from 60,515 to 1.2 million, making New York the first U.S. city with more than a million residents. To accommodate the flood of newcomers, most of them

impoverished and uneducated, landlords and real estate agents had chopped up once-fashionable houses into smaller and smaller quarters in order to pack in as many tenants as possible. In what had previously been back gardens, rickety wooden buildings went up. By the mid-nineteenth century, the Lower East Side had become, according to journalist and social activist Jacob Riis, "the most densely populated district in all the world, China not excluded . . . packed at the rate of 290,000 to the square mile." Most tenement apartments consisted of a few tiny rooms, with the kitchen doubling as the living room. Sanitation facilities, if they existed at all, were poor and grossly overburdened; enforcement of minimal health and safety regulations lapsed due to inadequate funding and widespread city government corruption.

The first home that William Fox remembered was a dark, almost airless four-room rear apartment on Stanton Street between Columbia and Sheriff in the Jewish quarter. The building had no indoor plumbing, so family members had to carry water up in buckets from a pump in the yard; nearby was the fetid East River, reeking of garbage. As bad as the Lower East Side was in general, as it was called, was worse. Crowding reached unimaginable proportions here. Riis saw a small two-room apartment that somehow accommodated a couple, twelve children, and six boarders. On these unpaved, litter-strewn streets, buildings were taller—six or seven stories compared to the average of five elsewhere—so that the poorest of the poor had an even more exhausting climb up narrow, foul-smelling stairways to get home. Jewtown alleys were packed with dirty children, mothers scrubbing laundry on washboards, and tramps looking for a place to flop. In doorways and on dark corners, prostitutes trolled for business.

Michael found work as a machinist. His lack of experience was no obstacle because in the post–Civil War blaze of industrialization, American factories were desperate for laborers. He never stayed long in any job or exerted much effort to work consistently. Once, in a burst of entrepreneurial energy while unemployed, he began manufacturing stove-blackening polish in the family's apartment. Will (as his mother called him), then seven, was deputized to sell

five-cent cans of polish door to door. The business folded after two years when, during the "Great Blizzard" of March 1888,* steep snowdrifts prevented the boy from traveling his sales route. After that, Michael's ambition died. According to Fox, his father's annual income never exceeded a thousand dollars, and he never cared about being out of work. Fox recalled, "When I came home and told him that the butcher and baker had refused to trust us any more during the period he was out of work, he was sure that tomorrow would be all right, or that the butcher and baker would most likely change their minds."

What Fox interpreted as his father's blithe indifference was more likely thinly disguised despair. Michael must have sensed a bitter irony in the bargain he had made. Having given up his business and his network of family support in Hungary, having traveled so far, enduring so much chaotic strangeness, he had only sunk lower in comfort and status. He lived amid filth and squalor; the sunshine and open spaces of his childhood had been replaced by a gritty, gray, cacophonous landscape. And although in Hungary Jews had long been integrated as a small, stable minority of the population, here in the United States, and especially in New York, their recent sudden influx often provoked contempt and suspicion from the Protestant majority. Yet, Michael could not afford to go back to his native land. It had taken all the money he had to bring his family here, and his earnings were meager. As for the brother who had preceded him, the only relative they had in the United States, Michael never found him or even learned what had happened to him. Fox said, "I remember my father searching for him until I was about sixteen years of age, and then he gave it up."

The weight of his homeland's history, all those centuries of defeat, bore down on Michael with crushing hopelessness. He had failed to improve his lot. Wasn't that always the way? We are the most forsaken of all peoples . . . Perhaps Michael had pulled his family as far forward as he had the strength to. "The Eastern European is far more attached to the past than the Western European," journalist and historian Emil Lengyel has written. "Those who came to America from Hungary are creatures of the

past. Their children may be redeemed, but their own natures are fixed in inexorable casts. Hungary's Arpad the Conqueror and the Mohács disaster have molded their lives, even though their historical knowledge is slim."

Resigned to failure, Michael retreated to coffeehouses frequented by other Hungarian immigrants. There, reminiscing with other displaced souls, he could reclaim his former prestige. According to family rumors, he began a series of extramarital affairs.

In Fox's eyes, his father was not only ineffectual, but also distant and disinterested. "All I remember of those early years is my father slurping up Mama's chicken soup at the dinner table. There was no talking allowed at meals unless my father said something, which he rarely did."

The family's misery multiplied. Anna lost seven of her thirteen children, including two born during her first five years in America, to childhood diseases. Typhus and smallpox ran rampant amid the Lower East Side tenements, invited by poverty and malnutrition and fed by Old Country fears about ruthless officials who would deport anyone who dared ask for assistance. At one point, Fox himself was hospitalized as a charity case. No details of that episode are known—no records remain from various New York Jewish hospitals and aid societies. Along with Fox, two boys and three girls survived in the family. To make up for her husband's inadequacy as a provider, Anna began to take in work sewing slippers. Fox said, "My mother did the worrying for the family."

Young Will watched until he had no more patience. This family needed a leader, he decided. If his father didn't want the responsibility, then he would take it. In the summer of 1888, a few months after the Great Blizzard thwarted Michael's stove-blackening business, nine-year-old Will began selling candy on the street. "Lozengers," the sweets were called. They sold for a penny apiece and had a riddle inside each colorfully wrapped package. He started at the foot of nearby Third Street, where a newly built wharf attracted excursion boat travelers. The following year, when he found he could sell more than he could carry, he recruited a sales

team of neighborhood boys to work on commission and transferred his enterprise to Central Park, a five-cent ride away, in order to work a better-heeled crowd. Arrested for peddling, Will was told by a magistrate to stay out of the park. He obeyed as long as the police were watching. His family, which by now included four-year-old Tina and toddler Bess, needed the money, and during the summertime, he could earn ten to twelve dollars a week. It cost him his childhood. He would later say, "I do not remember anything about play because I never remember playing."

For the rest of his life, Fox would remain the financial caretaker for most of his birth family. He gave his siblings and in-laws jobs in his companies or arranged for other employers to hire them. He helped find them spouses, subsidized their household expenses, bought them clothing and jewelry and cars, and paid for their children's education.

As much as the troubles of Fox's childhood forged a rage for greatness and instilled the habits and attitudes of success, the past also literally deformed him. At age eight he fell off the back of an ice truck on which he had hitched a ride and broke his left arm in three places. Because his father could not afford a proper doctor, an unskilled local medic—a dentist, Fox said—removed his entire elbow joint. The treatment left Fox's arm bent at the elbow and virtually useless for the rest of his life. He would take extraordinary pains to disguise his disfigurement. He learned to play one-armed golf and usually kept his left arm angled jauntily into his pants pocket; he had his suit jackets tailored with vertical pocket openings.

A dentist performed the surgery, Fox said. Had that dentist been his father? Given the family's hobbled finances, Michael Fox may have decided to treat his son's injury himself. That would help explain the lifelong humiliation Fox felt about his handicap and would illuminate the bitterness he revealed at his father's funeral. "Uncle Bill really hated his father," recalled Angela Fox Dunn, the daughter of Fox's youngest sister, Malvina.

This the son could not forgive: Michael Fox had turned away from his obligations to his family and from the opportunities that America held out to him. With results both glorious and tragic, William Fox set out to prove to the world that he was different and to redeem his father's abandoned promises.

Destiny

William Fox bore none of the cultural burdens that hindered his

father. Only an infant when he entered the United States, he had no memories of his Old World birthplace, and the language he learned on the street and in school was neither the German nor the Yiddish of his parents, but the coin of the realm, American English. More importantly, unlike Michael Fox, whose expectations had been shaped by recurrent national failure and shuttered opportunity, Fox grew up in one of the most vibrant, energetic, and hopeful periods in American history.

The Gilded Age, Mark Twain titled the 1873 novel he wrote with his neighbor Charles Dudley Warner, and the term has stuck to describe the lavish excesses of the closing decades of nineteenthcentury America. Forceful historical currents converged to create a feverish obsession with material prosperity: the closing of the Western frontier, which historian Frederick Jackson Turner claimed 1890: the Industrial Revolution: completed by consolidation and expansion of the railroad system; and a massive influx of immigrants who provided a cheap labor force. Together these changes shifted the American spirit of adventure from a confrontation with the wilderness to the new task of global economic domination. Between 1860 and 1894, the United States rose from fourth to first place among industrial nations, and the value of goods manufactured annually in American factories increased from less than \$2 billion in 1860 to more than \$11 billion in 1899. Cities expanded while farming communities and small towns shrank as dreamers and opportunists rushed to seek their fortunes among the crowds. In 1860, some 83 percent of the U.S. population lived in communities with fewer than twenty-five hundred residents; by 1900, that proportion had dropped to only 60 percent. Swiftly and irreversibly, post–Civil War America shed its agrarian, modest income identity to become a commercial, increasingly urban, and astonishingly wealthy nation.

"Gilded," not "golden": Twain's eye caught the moral hypocrisy of much of the glittering development. Rapacious acquisitiveness, with little regard for the depth or duration of negative consequences, drove the transformation. "What is the chief end of man?" Twain mused. "To get rich. In what way? Dishonestly if we can; honestly if we must."*

Greed invaded every field of enterprise. One of the most visible symbols of the newly emerging national culture and marketplace, the railroad system, had been built largely through ruthless financial manipulation. Between 1860 and 1890, U.S. railroad track mileage multiplied more than fivefold, from 31,000 to 167,000. Yet, the most successful of all the railroad entrepreneurs, Jay Gould, who by 1882 would own 15 percent of the national trackage, was driven not by a vision of the public good but by a merciless desire for personal magnification. Gould bought up western railroad lines, inflated the value of their stock, cashed out at the peak, and then reaped extra profit by short-selling as stock prices bolted back down to rational levels. "One of the most sinister figures that ever flitted batlike across the vision of the American people," commented newspaper publisher Joseph Pulitzer. Gould was no anomaly: the business history of late nineteenth-century America reads like an encyclopedia of fraud and predation. As Ida M. Tarbell observed in her 1904 exposé, The History of the Standard Oil Company, "That is, 'it's business' has to come to be a legitimate excuse for hard dealing, sly tricks, special privileges. It is a common enough thing to hear men arguing that the ordinary laws of morality do not apply in business."

The chaotic brawling for dollars buffeted the American economy

to and fro, causing frequent financial panics that desolated many lives. The Panic of 1873 launched five and a half years of gloom known as the Long Depression. During that time, half of the nation's railway companies went into receivership, some 54,000 U.S. businesses defaulted on more than \$1.3 billion, and unemployment estimates reached as high as three million: The terms "tramp" and "bum" entered the American vernacular. A few years of relative stability intervened before the stock market crash of 1884 paralyzed banking investments and caused the failure of more than 10,000 companies nationwide. The worst was yet to come. The Panic of 1893 ranked as the country's most serious economic crisis to date. Some 500 banks failed, as did a number of major railroads and another 15,000 companies. Although recovery began in 1896, the U.S. economy continued to seesaw uncertainly for the rest of the decade.

Amid the donnybrook, government shrugged. Often outpaced intellectually, and drawn mostly from the privileged classes—"the millionaires' club," the U.S. Senate was called—Gilded Age legislators and judges tended to stand by passively while industrialists hammered out profits from the working classes, the environment, and the more timorous among their competitors. Dishonesty compounded the problem of incompetence. Bribes and kickbacks circulated so freely during the late 1800s that some cynics believed the only honest politician was the one who stayed bought.

Although Congress did pass the Sherman Antitrust Act in 1890 to appease voter anxiety over the influence of big business, for the next dozen years the law had little effect because of lenient enforcement, narrow interpretation by judges, and slap-on-the-wrist penalties. Huge business trusts continued to appear. The American Tobacco Company, upon its creation in 1890 by five large manufacturers, controlled 90 percent of the U.S. cigarette business. In 1891 the American Sugar Refining Company arose to replace the now illegal Sugar Trust and by the next year had captured 95 percent of the national market. Between 1894 and 1901, hundreds more trusts were formed, with an aggregate capitalization of \$4

billion. In theory, monopoly promoted efficiency and lower prices for the consumer. In practice, no one benefited more than the owners. Although before the 1830s the United States had only a few millionaires and most of those were landowners, by 1880 the nation counted at least two thousand millionaires. In 1916 the Final Report of the U.S. Commission on Industrial Relations would conclude that much of this narrowly concentrated wealth had been "largely the result either of the exploitation of American workers through the payment of low wages or [of] the exploitation of the American public through the exaction of high prices . . ."

William Fox understood none of this. Instead, he saw the opulent surfaces and heard the beguiling myths of America as an open-handed, warmhearted meritocracy eager to reward all according to the value of their contribution. And nowhere was the lure to participate more enticing than on the streets of New York City.

During Fox's childhood in the 1880s and 1890s, New York became the nation's premier showplace of prosperity. Drawn by the concentration of the investment banking, legal, and advertising firms, corporations rushed to relocate their headquarters there. Rockefeller moved from Cleveland in 1884, building a ten-story headquarters for the Standard Oil Trust at 24–26 Broadway. About the same time, W. Duke and Sons Company, soon to become the mainstay of the American Tobacco Company, moved from Durham, North Carolina, to Manhattan and opened a huge factory at First Avenue and Thirty-Eighth Street. The Armour meatpacking business moved its headquarters from Chicago; Carnegie came from Pittsburgh. By the late 1890s, New York City had more than three hundred buildings with nine or more stories.

To accommodate the wealthy industrialists and their social aspirations, magnificent residential palaces materialized, many of them near Central Park, where Fox sold his penny candies. Stately, imposing edifices testified to a new kind of aristocracy, one based on entrepreneurial acumen rather than hereditary privilege. "These houses have about them a species of conscious publicity; they have

been put together and adorned in order to make a brave show—as if their owners were very well aware that people were watching them," commented Desmond and Croly in their 1903 book *Stately Homes in America*. Huge houses expressed the specious logic of the American parvenu: if royalty lived in palaces, then the inhabitants of palaces must be royalty.

Fox would have seen many marvels. On the west side of Fifth Avenue, stretching the entire block between Fifty-First and Fifty-Second Streets, was the enormous brownstone "Triple Mansion" of William Henry Vanderbilt, Cornelius Vanderbilt's favorite son, who had started construction in 1879, the year of the Fox family's arrival in New York, and had kept seven hundred laborers working around the clock to complete the structure in only eighteen months. Opposite, on the northwest corner of Fifth Avenue and Fifty-Second Street, stood the home of William Henry's son William Kissam Vanderbilt: a \$3 million, Indiana limestone imitation of a sixteenthcentury Loire Valley chateau, complete with decoration, Gothic stained-glass windows, and a copper-crested blue-slate roof. Other notable residences of the era included Caroline Astor's French Renaissance double mansion on the northeast corner of Fifth and Sixty-Fifth Street; Cornelius Vanderbilt II's 137-room French Renaissance palace at 1 West Fifty-Seventh Street, and the nearby hotel-sized homes of sugar king Henry O. Havemeyer and railroad magnate Collis P. Huntington. "Two miles of millionaires," Munsey's magazine labeled the stretch of Fifth Avenue from Murray Hill to Eightieth Street, "more wealth than can be found in any other residential two miles of any city in the world."

Witnessing such ostentation, Fox developed an obsession with wealth that would last his whole lifetime. Money became for him not only the key to freedom, but also the primary way of measuring courage, character, commitment to relationships, and self-development. Fox's niece Angela Fox Dunn commented, "He didn't want money for pleasure or for egotistical display. He wanted money because he believed it gave him control."

Eager to get ahead, Fox found school ploddingly dull. Math was

the only subject at which he excelled because it was the only subject he believed he truly needed. At age ten, he dropped out of the third grade to take a job at a small clothing firm, D. Cohen and Sons at 25 Lispenard Street, about two miles from his family's home on the Lower East Side. Anna Fox was horrified. She had given her eldest child the Hebrew name Melech, meaning "king," and she'd hoped he would become a doctor or a lawyer.

To get the job at D. Cohen and Sons, Fox had to lie about his age because the state Factory Law of 1886 prohibited the employment of children under fourteen. Possibly he forged one or the other of his parents' signatures on the certificate required to verify the date and place of the child worker's birth. Given his parents' estrangement from American culture, they might well have been unaware of the law. Additionally, dishonest notaries were so commonplace that Fox would have had little trouble finding one willing to certify a false date and a false signature in exchange for about twenty-five cents. Unable to oppose her son's strong will, Anna extracted from him a promise to take night classes, which he would do until about age fourteen.

Fox's impatience with formal education was typical for the era and easily rationalized because among the titans of industry, very few had anything resembling substantial classroom experience. Andrew Carnegie quit school at age thirteen to take a \$1.20-a-week position as a cotton mill bobbin boy. Thomas Edison left school after only three months and was educated at home by his mother. Henry Ford dropped out at seventeen to become an apprentice at the Dry Dock Engine Works. John D. Rockefeller also didn't finish high school, although he later completed a six-month business course at Cleveland's Folsom Mercantile College in three months. Within this crowd, J. P. Morgan stood out as something of a scholar because he had studied for two years at the University of Gottingen in Germany.

Entering the garment industry, Fox simply pursued the most readily available opportunity. Following the Civil War, when the demand for uniforms led to the standardization of clothing sizes and efficient mass production, an increasingly urban population began to shun custom-tailored and home-sewn garments in favor of inexpensive, ready-made wearables. U.S. clothing manufacturing firms multiplied: between 1870 and 1900, capital investment increased from \$54 to \$169 million, and the value of goods produced rose from \$162 to \$437 million. New York City led the way. By 1890, Fox's first year of full-time employment, the city produced some 44 percent of all ready-made clothes in the United States.

D. Cohen and Sons, where Fox would work until age fifteen, was a family-run clothing business housed in a small three-story building. Fox would recall his time at D. Cohen and Sons fondly, describing his boss and the boss's two sons as "three of the finest men I knew then and that I have ever met since that time." The father, Fox remembered, was especially kind, a tall, somewhat stooped man past sixty, who always went through the factory saying good morning to all his employees. They liked him, too. Within two years, Fox was promoted to foreman, overseeing twelve men and boys who cut linings on the third floor. Still, the job was physically punishing. Fox worked eleven hours a day from Monday through Friday and another five hours on Saturday, with only a half-hour lunch break each day. Because the building lacked an elevator, goods had to be hauled up a hatchway by a rope. To and from work, Fox spent an hour walking the two-mile distance. Moreover, the garment industry was a breeding ground for disease, especially respiratory ailments. Poor ventilation, flurries of cloth particles and dust, poisonous gases, and the steam from the pressing machines caused such a frequent incidence of tuberculosis that the condition became known as the "tailor's disease." For all this, Fox took home eight dollars a week.

Still, he was earning money, making progress. That sense of forward momentum accentuated Michael Fox's failures in the eyes of his son. Fox said, "I didn't like the progress that my father had made. I didn't think he had accomplished that which life affords."

Taking over as the family's steady provider, Fox soon usurped his father's decision-making authority. Fox's earnings allowed his family to move to a six-room railroad apartment on Rivington Street, still on the Lower East Side and over a butter-and-egg store, but "a much better type house," one with a water pump in the hallway rather than in the yard below. He insisted that his mother stop taking in work sewing slippers, and to further ease her burden, twice a week he scrubbed the stairs from his family's floor to the landing below, as was each tenant's responsibility. As the son increased, the father decreased. Fox recalled, "The less he cared about working, the more I had my nose to the grindstone."

Accordingly, the family's focus shifted. Fox's mother, Anna, began to pin her hopes on her eldest son and encouraged him to save for his future. She took him to the Dry Dock Savings Bank to open his first savings account, which Fox sentimentally kept open even as a multimillionaire. "Many times I would offer her a dollar or two extra which I had earned, but she would give it back with the suggestion that I save it," he said. If anyone were to redeem the family, he realized, it would have to be him.

Overwhelmed by his sense of responsibility, Fox turned to religion, a commitment that would grow quietly until it became "the greatest part of my life." To the boy and then the man, the Bible provided direction, courage, inspiration, and renewal. Ironically, the person whom Fox blamed most for his childhood misery was also the person who provided this means of deliverance. Michael Fox was an Orthodox Jew who steadfastly insisted that his son study Hebrew and religious doctrine at a cheder run by an elderly man in his tenement house basement home. At first, Fox didn't want to go: the lessons were a waste of time that he could use to make money.

Religion, however, was the one territory where Michael Fox refused to back down. The boy had to go, so the boy went. His disgruntlement increased when he met his teacher, the ironically named Goodman, a short, stocky, white-bearded tyrant who conducted classes in German and gave students "a darn good rapping with his walking cane" if they missed an answer. A lay Hebrew teacher rather than a rabbi, Goodman was "a very stupid, ignorant man," Fox would remember, still bristling decades later at

the thought of Goodman's "very severe and very brutal" manner.

The power of the message transcended the circumstances of its transmission. A turning point occurred at Fox's bar mitzvah, which, because his boss believed he was older, he had to feign illness to attend. The ceremony "changed my viewpoint entirely," Fox said. Suddenly, he understood that he could no longer blame his father for the condition of his life. He alone was responsible for shaping his future, but faith would guide him. In his newfound enthusiasm, Fox began to see signs of divine intervention everywhere. Once, having persuaded a neighborhood butcher to give his family some meat on credit, he decided that only God could have impelled a grown man to trust a mere boy to pay him back.

To later generations, Fox's explicit belief that God took an intimate personal interest in him may seem quaint or egotistical or possibly even deluded. In that time and place, it was hardly so unusual. Many prominent late-nineteenth-century figures linked material prosperity with divine favor. Famously, John D. Rockefeller Sr. announced, "God gave me my money." Even Andrew Carnegie, who considered himself an agnostic, invoked religious language to explain his philosophy of moneymaking. In his 1889 essay "The Gospel of Wealth," Carnegie asserted the "sacredness of property" as the foundation of civilization and declared that obedience to "the true Gospel concerning Wealth" would someday bring "Peace on earth, among men Good-Will."

Belief in an unseen realm was essential for Fox. He needed God, at least the idea of God. He had no material advantages—no formal education, no money, no connections, no family members or a neighborhood mentor to instruct him in the ways of success. In a culture that increasingly celebrated surfaces, he was simply a small, shabby-looking boy with a crippled left arm. Faith welcomed his dreams and transformed his ambitions from foolish fantasy into inspired vision.

Faith also canceled the practical liability of Michael Fox. With an omnipotent divine father watching closely and always ready to instruct him, the young boy no longer needed to look to his sullen, soup-slurping earthly father. Paradoxically, Michael Fox's one successful assertion of parental authority was also the act that made him completely irrelevant in his eldest son's life.

Adolescence stirred Fox to political awareness. With protests rising on the Lower East Side in response to the area's atrocious living and working conditions, he began to question capitalism and for three years became a socialist. This apostate period began in 1892. He was thirteen, and following his religious awakening, he began to think about the moral dimensions of action.

That summer, one of the bloodiest episodes in American labor history took place in Homestead, Pennsylvania, about eight miles south of Pittsburgh. The details were widely reported and hotly discussed in New York. At Andrew Carnegie's Homestead Steel Works, contract negotiations had stalled with unionized iron, steel, and tin workers, who accounted for only about 750 to 800 of the total workforce of 3,800. Union leaders wanted to renew their contract on the existing terms. Carnegie, who felt that in the previous 1889 bargaining session the union had wrung unfair concessions, demanded pay cuts ranging from 18 to 26 percent. Carnegie Steel didn't need the money. Although net profits had fallen from \$5.35 million in 1890 to \$4.3 million in 1891, they were still robust and would total \$4 million for 1892. At the time of the dispute, Carnegie was vacationing in the Scottish Highlands.

When the union held its ground, Homestead plant manager Henry C. Frick, who had sold a half share in his Frick Coke Company to Carnegie in 1882 for \$1.5 million, responded mercilessly. First, he built a twelve-foot-high, barbed wire-topped fence around the property. Then, in late June 1892, before the union's current contract had expired, he abruptly shut down the plant and locked out all the workers, who represented about one-third of Homestead's total population. To guard the property, Frick imported three hundred Pinkerton armed guards at five dollars a day each. Shortly after they arrived in two barges on the Monongahela River on July 6, the shooting began. It was never determined which side fired first, but twelve hours later ten

workers and two Pinkerton guards were dead.

The following day, Carnegie cabled Frick from Scotland. Sacrifice the mill if necessary, he instructed. "Never employ one of these rioters. Let grass grow over the works. Must not fail now." Six days later, the governor of Pennsylvania declared martial law and sent eight thousand state militiamen to protect the Homestead Steel Works. By the end of July 1892, Frick had reopened the plant with one thousand nonunion workers. By November, the union was hopelessly crushed and decided to allow its members to go back to work. Fifteen months after the strike, a *McClure's* magazine reporter found the residents of Homestead festering in sullen despondency. (Carnegie never regretted his actions, describing the Homestead episode in his 1920 autobiography as merely a "really serious quarrel" and blaming the workers for having been "outrageously wrong.")

What was the proper relationship between labor and capital? Certainly not this, Fox decided. He joined the Socialist Party in New York, then led by Daniel DeLeon. Fox said, "I knew him very well and was his follower . . ."

DeLeon was no scruffy, wild-eyed radical. Born to wealthy Jewish parents in the Dutch colony of Curaçao, he attended schools in Germany and the Netherlands before earning his law degree at Columbia College (now Columbia University) in 1878. He practiced law for a few years in Brownsville, Texas, and in New York, then became a lecturer at Columbia's School of Political Science. He quit the Columbia faculty in 1889 because, due to his left-wing views, the school refused to offer him a professorship. In 1892, the year Fox met him, DeLeon had just become editor of *The People*, the Socialist Labor Party's weekly newspaper.

Fox was probably attracted as much by DeLeon's elitist pedigree and personal polish as by his politics. Erudite and well mannered, with a distinguished-looking white beard, DeLeon had an "essentially genteel orientation," according to his biographer, L. Glen Seretan. He could quote the Old Testament and recite events of ancient Greek history as well as works by Victor Hugo and Charles Dickens. Fluent in French and German, he would eventually

translate Karl Marx's writing as well as nineteen novels by Eugène Sue, a wealthy mid-nineteenth-century French writer with socialist leanings.

In DeLeon, Fox found a father figure, a role model who could show him what strength looked like far better than the ineffectual Michael Fox could. Yet DeLeon was also another version of Fox's father, a man who faced the same central psychological problem. According to biographer Seretan, "the determining force in his life was a quest to overcome an oppressive sense of isolation by finding a sense of place, a sense of belonging, in the rapidly evolving universe of the late nineteenth and early twentieth centuries, whose disruptive effects had been the source of his travail." DeLeon seemed to be succeeding at this personal challenge while Michael Fox was sinking anonymously.

To support causes endorsed by DeLeon, Fox stood on soapboxes and made impassioned speeches before elections. "I was satisfied that the system then in operation was wrong, and that the proper social system of the world should be socialistic. I despised both capital and capitalists," Fox said. "Of course, this was during the period when I had as yet not been able to save a single dollar, and my earnings were just sufficient from hand to mouth."

As time passed, irksome observations occurred to Fox. For one thing, he realized, he was speaking one philosophy and living another. He wanted more money. Around age fifteen, he left D. Cohen to take a higher-paying job at another cutting room firm, G. Lippmann & Sons. A year later, he briefly took a side job as an American District Telegraph messenger, wearing a blue uniform with brass buttons and a cap bearing the company's initials. Once, after managing to save ten dollars, he knew that as a good socialist, he ought to share the money with his friends. But he couldn't—the money was his, he had earned it, so he put it in the bank instead. When his balance reached one hundred dollars, "I couldn't make as fine an address on a soap-box."

Fox saw his peers making different decisions with their money. They spent freely; he constantly scrimped. "Then it occurred to me that we were not equal, that they could also have saved some money, and I began to see the distinction between these different people." Capitalism, Fox decided, had the great virtue of rewarding wise financial choices.

He may also have detected some flaws in DeLeon's character. To avoid taking the entrance exam for Columbia University's law program, DeLeon had lied on his application, falsely claiming that he had earned AM and PhB degrees at Leyden, in the Netherlands. Furthermore, DeLeon didn't really like the common man. In theory, of course laborers deserved strong support, but in reality they often seemed like thick-skulled boors. A "hopeless, helpless grasping after straws" characterized most of the working class, DeLeon wrote, while many other labor leaders were "empty-headed, ominous figures."

By age sixteen, Fox was through with socialism. "I saw that capital was what I needed. It seemed that there were only two courses left, to work for someone else all my life, or to fight for independence."

Independence required money, so he became even more frugal. "I can recall going out with boys when I was 16, 17, or 18 and [I] would have liked to have done the things they did. I longed for them . . . I would check up what the cost would be and I denied myself it. I knew when the soles of my shoes had holes in them that that was the time to have them repaired[,] but I delayed. By putting pasteboard in them to save the half-soling[,] I saved them for a while longer. I probably saved four or five pairs of shoes that way." He didn't feel aggrieved or self-righteous. "During that period I don't say that I envied anyone, because I could have done as well, nor did the thought come into my mind that he would be sorry for spending this money and that I was wise in saving. But what did enter my mind very definitely was that I wanted to be in a business for myself and not work for anyone else. I wanted this business just as soon as I could save enough money to be something for myself."

After quitting night school to try to supplement his daytime earnings, Fox decided to go onstage. It was a choice of the heart, inspired by his mother's lively storytelling: "As a kid of eleven or twelve, I took part in every show given in my neighborhood, and I

loved it. There was something about the theater and theatrical performances which was part of my blood . . . it was the strongest urge in my makeup." For five or ten cents, as often as he could, his only indulgence, he bought one of the tickets that shopkeepers received in exchange for displaying a theater ad in their window. Others shook their heads. "I was warned time and again by my employer to cease my practice of sitting in theatre galleries at night. No good could come of it, I was repeatedly told." He began to read Shakespeare, hiding in the aisles of secondhand bookstores on the East Side and turning the pages surreptitiously to avoid buying the book.

With his friend Cliff Gordon, a fellow ADT messenger, Fox created a comedy act called the Schmaltz Brothers. Modeling themselves after the successful vaudeville team of Weber and Fields, the teenagers played German-accented immigrants eagerly trying to adapt to American life. For five or ten dollars a night, they appeared in the New York area—wherever Fox, as the business manager, could arrange a booking—usually as part of a dance hall entertainment program. They couldn't have been truly terrible, because the Schmaltz Brothers managed to last two years and Cliff Gordon went on to become a successful solo vaudeville comedian known as the German Politician. One observer would later recall that Fox and Gordon played Clarendon Hall on East Thirteenth Street as "prime favorites."

Fox, however, chose to remember the worst aspects of the experience. According to him, theater managers complained that the Schmaltz Brothers was the worst act they'd ever seen. As evidence, he cited a typical routine:

FOX: Someone wanted to buy my blind horse.

GORDON: No one would buy that.

Fox: Why do you say that? Ikey offered me \$200 for him

yesterday.

GORDON: Why, he hasn't got two cents. **FOX:** I know, but wasn't it a good offer?

Circulating in the shabbier precincts of show business, the boys sometimes didn't get paid. Once, after an event promoter skipped out early, they found themselves stranded after midnight in Bayonne, New Jersey. "We'd had just enough money to reach this place," Fox recalled. "I remember walking with [Cliff] from Bayonne to Jersey City, arriving there about 6 a.m. We had a stretch of water between us and our homes . . ." Sacrificing honesty to necessity, Fox wrote "Blind" on a piece of cardboard and hung the sign around Cliff's neck, so the two could panhandle. "The fare was two cents at that time, and when we had four cents, we got on the ferry and went across."

The end came when they got booked at New York's Arlington Hall for a show benefiting Spike Hennessy, a prizefighter who had allegedly developed consumption. "When I got in front of the building, I noticed a big three-page picture of Spike in his prime. I turned to Cliff and said, 'If this bird is in here, we are going to get licked,'" Fox recalled. To reassure him, Gordon, who'd gotten paid that day by the telegraph company, gave Fox his five-dollar fee in advance. After a "worse than usual" performance, Fox slipped out of the building in full stage makeup and costume. "I don't think Spike's lungs were bad because when Cliff said who he was, Spike said, 'You ruined the whole show,' and punched him in one of the eyes. When Cliff arrived home with one black eye and no money, he told his father what had occurred and his father proceeded to black the other eye."*

Having gone onstage "purely to find out whether or not I could earn some money from it," Fox now had his answer. After the Arlington Hall fiasco, he quit the Schmaltz Brothers and relegated his interest in performing to a hobby. Joining a small amateur dramatic society, he first appeared as the hero in *East Lynne*. "My performances in the dramatic show were equally as bad as when I was a comedian," he admitted. "I also played Uncle Tom in *Uncle Tom's Cabin*. I think the people enjoyed it thoroughly when they learned I was no longer to appear in these shows."

Perhaps his talent lay in sales. As a young boy, he had done quite well with his father's stove-blackening polish. Now he learned

that selling could be more difficult. Once, he bought a stock of umbrellas and on rainy nights sold them to theater patrons who had gone out unprepared—but it couldn't rain every night, so he gave up that idea. Then, when New York City threw a parade on September 30, 1899, to celebrate Admiral George Dewey's victory over the Spanish fleet at Manila Bay, twenty-year-old Fox withdrew \$500 from his \$580 savings account and bought refreshments to sell to spectators. He had expected a warm day. Overnight, the weather turned chilly. Instead of Fox's cold sodas, the crowds wanted hot coffee; strong winds coated his unwrapped ham-and-cheese sandwiches with dirt. All Fox could hope to sell were his pretzels. Desperate to save his \$500 investment, he went ahead of his dozen or so helpers and told parade-goers that his pretzels contained a special Admiral Dewey souvenir. They didn't, but by the time customers discovered the fraud, Fox and his group had disappeared into the crowd.

He was young. He was learning. He was filled with hope. Looking back in his fifties, Fox commented, "I want to say this, that if I had my life to live over again, I would want to live it just that way. I don't remember any part of my life that I enjoyed more than the part from the time I was eight years old to the time I was married . . . I knew I was searching for a goal and I enjoyed every minute of it."

As for the darker side of the human heart, the callous predations that lay behind much of the Gilded Age's progress—he didn't see it. "I couldn't think of anything mean that anybody did to me. I would always find a justification for it and would most times conclude that I must have been in the wrong," he said. "In my early days, I didn't think there were any mean people."

Eva

Sam Goldwyn cheated on his first wife, the plain-faced, dumpling-shaped Blanche, who was the sister of his business partner Jesse Lasky; after their divorce, he married the beautiful, slim, redheaded actress Frances Howard and cheated on her, too. Louis B. Mayer, annoyed that his longtime wife, Margaret, suffered from deep depression following a hysterectomy, went out dancing at nightclubs several times a week and divorced her after several hospitalizations failed markedly to improve her mood. Jack Warner began stepping out on his first wife, Irma, soon after their wedding. Before he turned forty, he had abandoned her and their teenage son to move in with beautiful, married, bit part actress Ann Page Alvarado. Warner then delayed more than three years after Ann's divorce to marry her. As for Harry Cohn, founder of Columbia Studios, and his string of coarse, exploitive relationships with women, the less said the better. "His Crudeness," director Frank Capra called Cohn. Cohn once sexually attacked his friend's teenage daughter when she went to his office in a dirndl skirt and peasant blouse to talk about a potential acting job. "You'll never work in this town again!" Cohn shrieked as the terrified girl ran for the door. (That actress, Geraldine Brooks, didn't listen and went on to a busy career in movies and television.)

For William Fox, there was only Eva Leo. "A very beautiful woman," he continued to call her, even after age and illness had blurred her youthful freshness into shapeless, pallid, gray-haired

matronliness. Theirs was a remarkable love story. Childhood friends, they shared a devoted partnership that spanned more than fifty years. Each was the other's only serious romance, and although many other accusations of character flaws would eventually assault Fox, there was never any rumor that he was unfaithful to Eva. Publicly, Fox always spoke of Eva in glowing terms, often going out of his way to praise her contributions to the Fox film empire. Unilateral and often dictatorial in business, he became solicitous and deferential at home. Fox's friend Detroit businessman and philanthropist David A. Brown would later comment that he had never met a more devoted husband: "[D]uring the most trying periods of William Fox's life, I have never heard him say an unkind word or raise his voice to any member of his family . . . he is the gentlest of gentlemen, always a thoughtful and considerate husband."

Only a few images of Eva survive. For a family that made its fortune in pictures, this was a curiously unphotographed group. Descendants have inherited only a handful of candid shots, none of them showing Fox and Eva together. Perhaps that wasn't so strange. For Fox, visual images were items of commerce to be retailed as broadly as possible. Family, on the other hand, was an intensely private preserve, the borders of which he guarded carefully. As for press photos of the couple and their children, the supply is extremely scant. In addition to the fact that the Fox family rarely attended flashbulb-friendly events, they were the wrong type to attract coverage. They were Jewish and too recently risen from their shabby immigrant origins to have had all their rough edges polished off. In the first few decades of the twentieth century, society pages belonged to old-guard names such as Astor, Rockefeller, and Vanderbilt.

Among the remaining images of Eva is a larger-than-life-size painting, probably from the mid-1920s, when she was in her forties. She wears a delicately sequined evening gown with a gossamer chiffon overlay and stands in front of a painted pastoral background. Her features are small and neatly proportioned, marked by a high forehead, wide-set dark eyes, and thin lips. It's a

pleasantly attractive face, but hardly stunning, and her posture (head held back stiffly and hands clasped in front) suggests diffidence if not downright wariness. Underneath all the finery, Eva was a rather ordinary-looking woman, uncomfortable with even this degree of public disclosure.

Fox knew instantly he was going to marry Eva. His mother had given a costume party on Thanksgiving Day at the Fox family's railroad apartment above the butter-and-egg store on Rivington Street. He was fourteen or fifteen. Eva was nine or ten, the daughter of a tailor, Max Leo, whose family lived on the ground floor. According to Fox, the other guests wore hired costumes as knights and courtiers and Spanish grandees, while he'd dressed up as a bootblack, in ragged clothing and with a dirt-smudged face. The story seems retrospectively embellished—it's unlikely that slum children could have afforded such elaborate costumes-yet it conveys Fox's sense of romantic enchantment. According to Fox, he resolved then to win over Eva. She was sitting quietly in a corner, so he went over to shine her shoes. She "paid little attention to me. In fact, I remember when I courted her, I evidently bored her to death." Later, while trying to advance his cause by chatting with her father, he turned around and saw that Eva had slipped out of the room.

Of course she fled. She was still a child. But he had nothing yet to offer her anyway. So, for five or six years, he waited, contenting himself with watching for her in the street. Despite the fact that these were biologically ardent years, adolescence racing into adulthood, he never let his romantic interest wander. "I decided I had found the one."

The fierceness of Fox's commitment to Eva probably arose largely from practical circumstances. The Lower East Side was then a cauldron of vice, and a young man who wanted an innocent partner would have faced a short slate of options. These were times when the poor had very few legitimate avenues for advancement, when "honest" work meant exhaustive toil for abysmal wages, and

when the emerging urban industrial culture inflamed a desire for getting and spending. Many Lower East Side youths logically turned to crime. Boys became gamblers, pimps, and thugs. Girls—some of whom had been sent out at a very early age to work in miserable jobs so their brothers could stay in school—fell into prostitution not only because of the money but also because recruiters lured them in, often at dances or other social events, with the only glimmer of special attention they'd ever received. Investigating the long-standing, flagrant debauchery, a citizens group, the Committee of Fifteen, reported in 1902 that Lower East Side brothel owners "openly cried their wares upon the streets, and children of the neighborhood were given pennies and candy to distribute the cards of the prostitutes." With many police officers on the take, decent folks lived under a "virtual reign of terror" by the vice industries.

The Jewish community's emphasis on religious values provided little hedge against the allure of crime. In his 1897 book *The American Metropolis*, former New York Police Board president Frank Moss claimed that the pimps who supervised the Lower East Side's "herd of female wretchedness" were "a fraternity of fetid male vermin (nearly all of them being Russian or Polish Jews), who are unmatchable for impudence and bestiality." By the early 1900s, according to muckraking journalist George Kibbe Turner, the neighborhood had become "the chief recruiting-ground for the so-called white slave trade in the United States, and probably in the world," with the most vulnerable targets being young Jewish girls because, as the most recent immigrants, they represented "the greatest supply of unprotected young girls in the city." Jewish girls as young as thirteen worked as prostitutes.

Against this backdrop, Eva must have shone like a rare jewel. At age ten, she'd had no time to be corrupted, and she also had a strong, watchful father and several brothers to fend off threats to her virtue. Conversely, compared to all those loutish, leering loafers on the street, Fox must have looked like a prince. He had a steady job that he performed willingly; he supported his family; he looked for extra ways to earn money honestly; he even scrubbed the apartment stairs for his mother.

Eva's personality also meshed well with Fox's psychological needs. Like his beloved mother, Eva was her family's caretaker. Her mother had died when Eva was nine, and as the eldest girl, she had taken over the domestic responsibilities for her father and five brothers and sisters. She showed no desire to blaze an independent career. Like Fox's mother, but more energetically than the physically worn-down and emotionally eroded Anna Fox, Eva saw herself as a supporter and an encourager.

Additionally—and this was a considerable advantage—Eva's family was much more assimilated. When Fox met Eva, his mother still spoke German almost entirely—she never would learn to speak much English—and his father was continuing to erase himself into a ghostly presence. By contrast, Max Leo occupied a solid position in the United States. His tailoring business was growing steadily, and he could advise Fox on the garment industry career the ambitious young man then thought he was going to have.

After five or six years of waiting for Eva, twenty-year-old Fox decided to make his move. He bought a box of good cigars, rehearsed his speech for a week, and called on Eva's father. He had good prospects, Fox declared, and his intentions were entirely serious. Max Leo approved. The couple began dating, and one cold winter night, on their way home from the theater where they'd seen *The Liars*, starring John Drew (of the Barrymore acting dynasty), they found themselves stranded for two hours in a stalled streetcar. Fox proposed, and Eva accepted.

So, on December 31, 1899, twenty-year-old Fox married fifteen-year-old Eva at the Chrystie Street Synagogue in Manhattan. It was a big wedding by standards of the place and time, with some forty to fifty guests. For Fox, money measured caring: he would later boast, not complain, that Eva's father had insisted on "a very fine public wedding" and that the ceremony had reduced Fox's bank account from \$675 to \$325. Their friends pooled a wedding gift fund of about \$100, which the couple used to buy furniture. They moved into a five-room, eleven-dollar-a-month railroad apartment at 1055 Myrtle Avenue in Brooklyn, just doors away from Fox's parents and siblings, who now, conveniently, lived at 1063 Myrtle.

Eva Leo? Fox's birth family was aghast.

"This was my choice, not my parents'," Fox acknowledged. He was too young, his mother Anna protested. How could he know for sure that he loved Eva? Or was there some other reason, his mother wondered, that they had to get married?

Eva Leo! For decades afterward, Fox's siblings would continue to mock Eva's Russian Polish heritage as culturally inferior to their own German background. "Without any real evidence, my mother insisted that Max Leo had been the janitor in their building and not a tailor or a clothing manufacturer as Uncle Bill used to say," noted Angela Fox Dunn, the daughter of Fox's youngest sister, Malvina, who was born six years and two months after Fox's marriage. "Every Fox hated every Leo. My mother used to say that if you saw someone scratching from lice, it was probably a Leo. She called Eva 'the witch' and described Eva's brothers Jack and Joe as lewd, crude, and loathsome roughnecks. I was brought up to detest the whole group."

The Foxes' scabrous response to Eva expressed their rage at a rival for scarce resources. Seventeen dollars a week—that was all Fox was earning at a Lower East Side cutting room* when he married Eva. Yet Anna Fox's health was failing, and Fox's four younger siblings (fourteen-year-old Tina, seven-year-old Bess, five-year-old Aaron, and four-year-old Maurice) needed to be clothed and fed. Michael Fox was virtually useless as a provider. He had been unemployed for at least a month at the time of Fox's marriage, and six months later, he still hadn't found a job. Michael didn't even have a fixed occupation, describing himself variously as a machinist and a silver polisher. Fox had to support them all.

But seventeen dollars a week—how could that stretch to support two households? What if Eva demanded a say-so in her husband's spending? And—a calamitous thought—what if the couple decided to have children soon? Fox's birth family would become destitute if he were to abandon them financially. With acid emotions, his parents and siblings tried to dissolve the bonds that threatened to alienate their one dependable source of income.

The Fox family's fears about Eva had some foundation. Eva did

try to curtail Fox's spending on his siblings, whom she considered lazy and parasitical. And she never made peace, or much effort to make peace, with his mother. Eva quickly claimed the upper hand in that contest. After his wedding, despite the proximity of their homes, Fox rarely found time to visit his mother. And in August 1900, some eight months after his wedding, he formally separated his finances from his parents' household by opening his first bank account in his own name.

Generally, though, the Fox family was more wrong than right about Eva. Fox didn't withdraw his support of his parents and his siblings, and with one exception (a brother who he felt had betrayed him), he would continue to support them and their children until the end of his life.

In the beginning, Fox responded to the added responsibility of marriage by pushing himself forward. Dissatisfied with his salary at the cloth-shrinking firm, he asked boss Edward S. Rothchild for a raise to twenty dollars a week. Twenty dollars? erupted Rothchild, who would go on to head the Chelsea Bank in New York. But Fox wasn't even worth seventeen dollars per week!

At that, Fox decided to go into business for himself with another employee. Their company would serve as an intermediary between the fabric mill and the garment manufacturer by examining the cloth for flaws and preshrinking it. Fox was sure they'd make a lot of money: the business would require very little start-up capital and very little space, and their former employer had promised to use their services.* With a partnership agreement scribbled out on a piece of brown paper, Fox, 21, and Benjamin S. Moss, 22, started the Knickerbocker Cloth Examining and Shrinking Company in early April 1900 and rented space on the ground floor of the tenstory Decourcy Building at 572–576 West Broadway. Moss,* who had done the cloth examining for their former employer, became the senior partner in charge of operations, while Fox took responsibility for soliciting business.

Adversity hounded the company. In mid-June 1900, two and a half months after Knickerbocker's launch, an after-hours fire destroyed the top three floors of their ten-story building, blackening exterior walls, breaking windows, and leading to water damage for all businesses in the building. Officials estimated the property loss at \$100,000.

Six months later, on Saturday, January 19, 1901, Fox and Moss nearly got murdered by an angry ex-employee. A day earlier, fifty-nine-year-old sales agent Nathan May had persuaded Fox and Moss to advance him twenty-five dollars against forthcoming commissions. He needed to buy medicine for his sick wife, May explained. Skeptical, Fox had May followed—and indeed, the supposedly dutiful husband went directly to Washington Square Park, where he met a middle-aged woman who wasn't his wife. The couple then stole away to a nearby house, where May remained until the early morning. No doubt sensitive on such matters because of the rumors about his father's infidelity, Fox fired May on Saturday morning.

May took the news quietly, then insisted that only Moss, the senior partner, could dismiss him. Told by Fox that Moss wasn't there, May waited outside the building for several hours before setting off on the route that Moss usually walked to work. Confronting Moss at the corner of Fourth and Wooster and hearing that he had indeed been fired, May pulled a gun out of his hip pocket and shot the fleeing Moss through the brim of his hat.

Having followed May, Fox saw the shooting and tried to intervene. May fired at him, too, but missed. Shouting that he would kill them both and aiming the smoking gun in their direction, May chased his former employers down West Broadway. The incident ended moments later in front of Knickerbocker's building when May, surrounded by a policeman and about twenty-five spectators, shot himself in the head. May's distraught twenty-five-year-old son later vowed revenge upon Fox and Moss.

Nothing came of that threat, but Fox and Moss were sufficiently worried to move their offices to another location. The next year, that building's boiler broke, and during the three months that the landlord took to replace it, the steam pressure was so weak that the partners couldn't do all their work. They lost \$3,000 in business.

The catalogue of troubles took a toll on the partners'

relationship. "We just barely made a living out of it. [Moss] was accustomed to drawing \$25 a week and I \$17, and for the first year I don't believe we made \$42 a week," Fox recalled. Although income began to pick up in Knickerbocker's second year, unpredictable cash flow created tension. One Saturday, the final rift occurred when Moss presented Fox with some checks for countersigning. Fox recalled, "I refused because there was no money in the bank. My partner insisted that on Monday I could go out and collect enough money to cover the checks and deposit it in the bank before the checks went through, but I said that was no way of doing business."

Fox agreed to buy out Moss's share of the business. While applying for a \$1,000 loan from the German Exchange Bank, he learned a lesson he would never forget. "I bought myself a whole new outfit of clothing in order to make a good impression so the bank would lend me the money," Fox said. The strategy backfired. "You are broke now. What made you go out and buy all those clothes?" bank president Michael J. Adrian admonished him. "When the bank lends money, it wants to feel that it is lending it to someone who will save money and be able to pay it back someday." Fox got the loan anyway and became the sole owner of Knickerbocker.

Having had enough experience with failure not to take it personally, Fox weathered his misfortunes resiliently. For Eva, the going must have been more difficult. A teenage newlywed from a sheltered background, she had to cope simultaneously with carping in-laws who always had their hands out, with her husband's long absences, and with the repeated assaults on their plans by bad luck and ill intent. Instead of questioning her husband's choices, she devoted her energy to taking care of him. It was the first time anyone had ever really done that.

"From the beginning, Mrs. Fox made our home, no matter how simple, a heaven for me; her artistic fingers made everything she touched beautiful," Fox said. Decades later, he would still remember in detail the décor of their first apartment, on Myrtle Avenue, the "dainty Swiss curtains and cretonne hangings at the

windows, with cushions here and there to match, and beautiful panels, reproductions of great masterpieces given away with coupons of Babbit's soap, which she had framed to adorn our walls."

By creating a peaceful refuge, Fox said, Eva became his partner in building the Fox enterprises. "Mrs. Fox hasn't just been a wife to me and a mother to my children, but the mainstay of my career. You can well understand that no man could stay away from his family eighteen hours a day, every day, every week, etc., unless he had a tolerant wife. She helped me to reach my ambition. She deprived herself of all good times women like in order to help me—she did her job and did it well. I have never seen her equal, if in no other respect, in this respect—to keep all cares and worries away from me." He always believed he had made the right choice. "I was well rewarded, because she has not only been a wife to me, but a companion. I don't think I could have gone through all the things I have without her. I know I couldn't."

The Dark Side of the Dream

Nearly eight months after the Nathan May sidewalk shooting, another event, one that changed the course of history, confronted Fox with the violent currents that lay beneath the bustling, optimistic surfaces of turn-of-the-century America.

In the late summer of 1901, an inventor came to Fox's office at Knickerbocker. Flaunting a paper that he claimed was a U.S. patent for a unique souvenir, he showed Fox a miniature frying pan, about one or two inches in diameter and stamped with the image of a buffalo against the background of an American flag. This Pan American Buffalo, the inventor explained, would be a sure-fire seller at the Pan American Exposition, which had opened in Buffalo, New York, on May 1, 1901. Ten million visitors were expected before closing day on November 2, 1901, and, the inventor said, each one could reasonably be expected to buy at least ten pans at a dollar apiece. All Fox had to do to become the exclusive vendor was to pay the manufacturing costs.

Fox fell for the pitch. In November 1900, Eva had given birth to their first child, Mona,* and Knickerbocker was still struggling. Fox cleared out his savings of \$600, hired a factory to make the pans, shipped them ahead, and then boarded a train in early September for Buffalo. He was twenty-two.

Arriving with only three dollars in his pocket but certain that he would be rich soon, he had reserved a room at one of the nicest hotels in town, the Iroquois. "From the railroad station to the

fairgrounds was about five miles long, and on either side of the street the city had issued licenses to permit wooden stands to be erected in which the wares could be displayed to the visitors to this exposition. And lo and behold! All that I could see on these stands were pans with buffalos stamped on them with American flags. There were enough pans there to supply everybody with 100 pans." Fox canceled his reservation at the Iroquois and put in at a dollar-aday side-street boardinghouse.

After two days at the Exposition, he hadn't sold a single pan. Then he got an idea. The only store in town not selling the buffalo souvenir pans was F. W. Woolworth, whose headquarters were in Buffalo. Using twenty-five cents from his last dollar, Fox sent a telegram to forty-eight-year-old Woolworth himself and managed to get an appointment.

At Woolworth's office, Fox proposed to sell his entire inventory to the chain store magnate for the same \$600 he had paid. Given that the manufacturing price for each pan had been about 2.5 cents, Woolworth could profitably undersell everyone else in town by offering the pans at his standard five- or ten-cent prices. Woolworth refused, explaining that he had not bought any of the pans because he had known there would be an oversupply. Fox pressed his case, confiding that he had a wife and a baby as well as "a business that was not over prosperous." Sympathizing with the foolish yet sincere young man, Woolworth relented and agreed to buy all Fox's frying pans.

Enormously relieved at not getting wiped out, Fox decided to give himself an extra day to enjoy the Exposition.

Around the same time that Fox's train had departed from New York City, another young man boarded a train in Chicago and also headed for Buffalo. Like Fox, he longed for greatness. Unlike Fox, he lacked resilience and hope.

The Detroit-born son of Polish immigrants, twenty-eight-year-old Leon Czolgosz had drifted around the Midwest for the previous few years. Unmarried, mentally fragile, and considered defective and cowardly by his family, he had never succeeded much at anything and never felt much at home anywhere. Several years before, he had gotten fired from his four-dollar-a-day job at a wire mill in Newburg, Ohio, when the workers there went on strike. Then he suffered a mental breakdown and developed a fascination with anarchists, especially the firebrand Emma Goldman.

Her words "set me to thinking, so that my head nearly split with the pain," he would later explain. He tried to join several anarchist groups, but, suspicious of his fanaticism, they rejected him. In the summer of 1901, Czolgosz read about the Pan American Exposition in a Chicago newspaper. Intending "to do something heroic for the cause I loved," he bought his ticket for Buffalo.

On Saturday, August 31, 1901, carrying a small traveling bag that contained only a few items of clothing, Czolgosz rented a room at a cheap hotel owned by a Polish man at 1078 Broadway. He kept to himself, rarely speaking to anyone. He got a haircut from a Polish barber and several times a day wandered around the exhibition grounds alone.

After President McKinley arrived by train on Wednesday, September 4, for a ceremonial visit of several days, Czolgosz repeatedly tried to get close. Always he was buffeted back by police or "tossed about" by the crowds. He watched people "bowing to the great ruler."

Then he knew what he must do. There was no escape. "It was in my heart."

Around 4:00 p.m. on Friday, September 6, Fox was walking down Main Street toward the receiving line for President McKinley at Buffalo's Temple of Music. From a distance of about one hundred feet, he saw it happen.

Dressed in black, Czolgosz stepped forward to shake McKinley's hand. Then, with the .32-caliber revolver he'd hidden underneath a white handkerchief wrapped around his right hand like a bandage, he shot twice.

Struck in the breastbone and stomach, and bleeding profusely,

McKinley crumpled to the ground. The man standing in the receiving line just behind Czolgosz whacked Czolgosz in the neck and lunged for the gun. After Secret Service agents toppled the assassin and pinned him to the ground, the civilian knocked the gun from Czolgosz's hand before he could shoot McKinley a third time. Pandemonium broke out.

Fox saw McKinley fall, yet he saw nothing. The event never acquired any deeper meaning for him—even though the nation froze for eight days as McKinley struggled to recover and then plunged into mourning when the president died of gangrene on September 14. Details of the crime, along with commentary and analyses, saturated the newspapers and public discourse.

Fox might have paid attention to Czolgosz's own words.

"Fred Nieman"—Nieman means "nobody" in German—was the name Czolgosz would give to the police. In custody, he told officials, "I killed President McKinley because I done [sic] my duty. I didn't believe one man should have so much power and another man should have none." He had "trembled and trembled" before the shooting, and afterward was surprised to find himself still alive. Although police suspected an anarchist plot, Czolgosz denied any conspiracy. In the final words of his formal confession, he offered perhaps the clearest explanation of his motives: "I had no confidants, no one to help me. I was alone absolutely."

Fox might also have thought about the circumstances that had given Czolgosz his instant of opportunity and about the curious way the official story of the assassination changed.

Ethnicity mattered. At the moment of the shooting, McKinley's Secret Service agents had turned their attention away from the clean-shaven, fair-skinned, boyish-looking Czolgosz in order to concentrate on the suspicious-looking character in line ahead of him, a dark-complexioned man with a thick black mustache who, according to one of the agents, "appeared to be an Italian." Race mattered, too. In initial reports, the spectator who hit Czolgosz and knocked the gun from his hand was described as African American. Within days, officials revised the story, identifying the hero as an Irish American soldier, and at Czolgosz's trial, a Secret Service

agent testified that no "colored man" had provided any help at all. Only certain types of people were trustworthy Americans. Two days after McKinley's death, New York senator Chauncey Depew called for a halt to immigration to "stop the reservoirs of European anarchy pouring into our country."

Without pausing for reflection, Fox returned to New York City and shaped a memory that served his immediate needs. In his mind, the McKinley assassination receded to background scenery for a story about his own good fortune. He was thankful for the pans, "thankful that there is such a pan because if it had been any other kind of novelty, I probably could not have sold it." The statement was odd not only for all that it ignored, but also because it didn't make sense. If the pans had been a different sort of souvenir, he probably wouldn't have allowed himself to be swindled by the salesman with the phony patent paper. He also seized upon the fact that F. W. Woolworth had helped him out of trouble. F. W.—his own initials in reverse. "This was a sign," Fox later told his niece Angela. "God wanted to save me." More than he wanted to understand events, Fox wanted to be happy.

Neither did he think about the assassin's fate. America couldn't wait to dispose of Czolgosz. After a two-day trial that began in Buffalo on September 23, nine days after McKinley died, and that lasted for only eight hours and twenty-six minutes, a jury took thirty-five minutes to reach a guilty verdict. On September 26, Czolgosz was sentenced to death; on October 29, he was executed in the electric chair at Auburn State Prison. "I want to make a statement before you kill me," Czolgosz said that morning. "Well, you cannot," the prison superintendent replied. Guards pushed Czolgosz into the electric chair and attached a strap across his forehead and chin, muffling his last words: "I am awfully sorry I could not see my father."

Three surges of current at 1,700 volts killed Czolgosz. Because the Buffalo Cremation Company refused to handle the remains, Czolgosz's body was put into a pine box, lowered into a burial plot next to the prison, and drenched with a powerful acid to obliterate it within hours. All his clothes and personal effects were burned. A Los Angeles Times editorial commented, "So far as possible all traces of this degenerate wretch have been removed from the face of the earth; and the earth is better for the removal of this refuse."

Given his belief that God had planned his destiny in minute detail, Fox might have wondered if he was supposed to learn something from Czolgosz's experience. Had this marginalized, unassimilated immigrant son been driven to derangement by his disappointment in America? Was Fox also at risk from the same social forces that had undone Czolgosz? Equally, Fox might have listened to the voices that spoke up in the aftermath of the tragedy. Following Czolgosz's conviction and sentencing, for instance, Booker T. Washington issued a warning from the Tuskegee Normal and Industrial Institute: "In all sincerity, I want to ask, is Czolgosz alone guilty? Has not the entire nation had a part in this greatest crime of the century? What is anarchy but a defiance of law, and has not the nation reaped what it has been sowing?"

But Fox didn't pay attention. He was young, full of energy and ambition and hope. To get where he was going, he needed to believe in America.

PART II

THE GREATEST ADVENTURE

1904-1925

EVERY COUNTRY IS RENEWED OUT OF THE RANKS OF THE UNKNOWN, NOT OUT OF THE RANKS OF THOSE ALREADY FAMOUS AND POWERFUL AND IN CONTROL.

-WOODROW WILSON, THE NEW FREEDOM, 1913

700 Broadway

Consumed by ambition, Fox was restless. The garment industry wasn't the right place for him. Already established, it didn't need him. He said, "I always knew there was something else for me to do."

Perhaps that something else was real estate. In 1902, he bought a \$12,000 tenement house for \$1,000 in cash and an \$11,000 mortgage. "Gee, I was proud! I was a landlord now—a landlord at about 23 years of age," he said. With no time to manage the property himself, he assigned Eva. "That is where I made my greatest error. Not only didn't Mrs. Fox collect the rent due from the tenants, but I soon found my butchers' and grocers' bills mounting. When she called to collect these rents, if the tenant by the merest chance was unable to pay it and gave as an excuse unemployment, she made sure to send provisions to this family while the man was out of work. So by the end of the year, I found the privilege of being a landlord was very costly to me, and instead of having collected the rents, more than the amount of the rent had been expended by Mrs. Fox for what she called 'the relief to the tenants.'"

Empathy wasn't a quality that Fox wanted to dismantle in his wife. Besides, something of the socialist still remained in him. He didn't feel comfortable trying to extract a profit from the poor for the necessities of life. He sold the property at a loss.

Another idea soon occurred to him. Walking along Fourteenth

Street between Broadway and University Place in Manhattan, Fox noticed a mostly young crowd surging into the Automatic Vaudeville Company.* A sign on the wall read, "A Penny Operates Any Machine." Stepping in, he saw a slot machine arcade—a busy jumble of phonographs, peep show machines, punching bags, weighing machines, chewing gum machines, fortune-telling machines, stationary bicycles, and mechanical horses. Going down to the basement, he watched a small train shuttle around on a track, stop underneath each machine, and collect a cascade of pennies.

At the time, Fox had no great vision of the future. He simply thought this might be an easy, profitable sideline business. Knickerbocker's fortunes had improved, so he had savings to invest.

Only twenty-five, still believing there were no bad people in the world, Fox promptly got cheated. A real estate agent representing J. Stuart Blackton, the cofounder and president of one of the first U.S. movie studios, the Vitagraph Company of America, offered to sell Fox a slot machine arcade at 700 Broadway in Brooklyn. The two-story space was only about eighteen feet wide and ninety feet deep, but it was in the up-and-coming Williamsburg section and was surrounded by mostly respectable shops. Unknown to Fox, Blackton urgently needed money. Not only were he and his two Vitagraph partners preparing for a major expansion in film production and distribution, but also he had been ensnared for years in expensive patent infringement lawsuits by Thomas Edison, whose movie projector Blackton had converted into a camera.

Blackton's agent—"the handsomest man you ever laid eyes on," Fox said—assured Fox that the arcade was doing booming business. That seemed to be true both times he visited. Eagerly, Fox rounded up two friends from the clothing business, Sol Brill and Jacob W. Loeb, and each contributed one-third of the \$5,000 lease price. Under its new management, 700 Broadway opened for business on a Monday in May 1904.

Only two customers came by the whole day.

When business failed to improve, Fox realized that he'd been bamboozled. Blackton's agent had hired crowds to pose as customers on the days of his visits. Naturally, the crowds stopped coming when they stopped getting paid.

Fox couldn't afford to lose his investment. His \$1,666 stake represented almost all his savings, and his family responsibilities had increased substantially. He and Eva had just had their second child, Belle, in April 1904, and he continued to support his parents' household. Altogether, he now had nine dependents: four siblings, two parents, two children, and one wife. If he lost all his remaining liquid assets, if Knickerbocker returned to its old pattern of misfortune, if serious illness or injury struck, then his family, both his families, might fall back swiftly into destitution.

Desperate to find an answer, Fox realized he already had the answer: motion pictures.

In the quest for self-improvement that he had pursued to appease his mother after dropping out of night school, he had visited the Eden Musée, a Madame Tussauds–style wax museum on Twenty-Third Street between Fifth and Sixth Avenues. Billing itself "a Temple of Art without rival in this country" and offering "to all an opportunity for instruction, amusement and recreation," the Eden Musée had begun showing motion pictures in December 1896. There, Fox had seen some footage of a tree with its leaves moving. Astonished by the spectacle, he found the Eden Musée's projectionist, who showed him the film and explained the projection process. Returning frequently, Fox had always found a full, spellbound house.*

The idea met his needs perfectly. In 1904, movie exhibition was a cheap and easy business to enter, requiring only about \$400 to \$500 in start-up capital. A "theater" could be set up in any small store or even a backyard shack that had a clear wall space of about nine square feet. A bedsheet would do for the screen, a projector could be bought for \$75 to \$95, and some chairs or wooden benches would do for seating.

As for the films themselves, distributors rented them out inexpensively by the foot. Spectators didn't care much about the content. The lure consisted mostly of the novelty of moving pictures, and because most film subjects lasted only three to three and a half minutes, if they weren't any good, at least they were over

quickly. Movie theater personnel costs were also low. Exhibitors could hire a neighborhood child to operate the projector—and many did; one reporter saw an eleven-year-old boy doing so at the Model Nickelette in Hoboken, New Jersey—and enlist family members to sell tickets. Even the official fees seemed manageable. In New York, movie theaters with fewer than three hundred seats were lumped into the same category of amusements as merry-gorounds and required only a \$25 common show license issued by the mayor's office. By contrast, larger legitimate and vaudeville theaters not only required a \$500 theatrical license issued by the police commissioner but also were subject to much more stringent fire regulations.

Best of all, the proprietor of a small movie theater could collect money all day long. Paying the standard ticket price of a nickel, audiences rotated in and out about every half hour: three threeminute films made a reel, and three reels made a show.

There was another side to the story, though. Ease of entry into the movie exhibition business reflected a high degree of uncertainty about its future. In 1904, according to a government study, only about fifty thousand people nationwide attended the movies per day—0.06 percent of the total population of eighty-two million—and many observers believed that even this small bubble of enthusiasm would soon burst. Skeptics included Thomas Edison, who claimed credit for inventing the movie camera but who believed that the technology had "no very large practicable possibilities."

More to the point for Fox, the only previous attempt to operate a movie theater in Brooklyn had failed. In 1896, W. B. Hurd, who had bought the American rights to the movie projector invented by the Lyon-based Lumière Brothers, began showing motion pictures in a small converted store on Washington Street. Offering no chairs, no decorations, and no piano music, but charging twenty-five cents admission with no reduction for children, Hurd generated no great profit. When the landlord suddenly canceled his lease, he didn't bother to find another location. Instead, he licensed a promoter to install Lumière technology in vaudeville theaters nationwide, and

then gave up on the entertainment business to concentrate on his stock market investments. Since Hurd's venture, evidently no one had tried to run another movie theater in Brooklyn.

Ever the optimist, Fox persuaded his two business partners to let him temporarily close down 700 Broadway—the place never did get a name—and convert the second floor into a movie theater. After knocking out the interior walls of the upper floor, which had been designed as a residence, Fox installed a projector, a screen, and 146 seats. For musical accompaniment, he bought a thirty-dollar secondhand piano that had "tones like a tin pan."

On October 14, 1904, some five months after the first try, 700 Broadway reopened. "I was put down as the craziest man in the city," Fox recalled. "'Imagine,' I heard on all sides, 'a nut who thinks he can delude us into believing that pictures can be made to move.'"

During the first week, the cynics seemed to be right. Customers still shunned the business. Fox, who already loved the movies, didn't understand it. "I stood out in front of the place the whole first day, and while I was debating with myself as to what to do, a fellow with a great big western hat came along. He said, 'What are you worrying about?' I told him about the establishment and that I had the greater part of my fortune in this place."

The man in the western hat went upstairs to look at the theater, then reassured Fox that he could speedily fix the problem. "The next day[,] he came around and asked me if I had any preference as to ballyhoo man. He said he could get a coin manipulator, a sword swallower, or a fire-eater. I told him not to get a fire-eater because I had no fire insurance at that time." Fox also didn't want the sword swallower—too dangerous—and hired only the coin manipulator, who turned out to be a short man wearing a black satin suit and a false mustache and goatee. "This man would stand on the stair of the show house and do his tricks, and end up with telling the people that he would finish his performance upstairs. In a week we had such a crowd we had to have police to keep the crowd away."

That was one version of the story. In another, the man who approached him was a laid-off Barnum and Bailey circus worker—

his job had been to feed the lions and tigers—and he offered to provide a sword swallower for two dollars a night, a fire-eater for three dollars a night, or a coin manipulator who would work for all he could pick from the crowd. "I asked him to get one of each and to make sure that the other two would watch the coin manipulator," Fox said in a 1927 telling. "The sword swallower did swallow a sword . . . Soon a crowd gathered, and then he said he would conclude his performance upstairs. It was two flights up, and the crowd followed him up."

Coin manipulator or sword swallower, whichever one persuaded customers to tromp up the stairs of 700 Broadway, they did—in droves. Suddenly everything changed for Fox. Money flowed in. Finally, he had gotten it right. Movies were wonderful, and when the first set of adventurers bounded back down the stairs of 700 Broadway, they were ready to do his advertising for him. There really was a nickel's worth of entertainment up there, they told their friends, and their friends told their friends. Soon, although Fox had built a rear stairway to the theater so that exiting patrons would have to walk past the arcade machines to get back onto the street, he realized the penny slot machines weren't worth the trouble and had them pulled out.

How much money did 700 Broadway take in? That was another shape-shifting tale. Once, Fox counted his first year's profit as \$40,000 and then as \$75,000. Another time, he said that this "little hole-in-the-wall" earned \$50,000 in six months; and another time, \$250,000 in less than five years. To Fox, facts were important, but a good story always mattered more.

Whatever the precise amount of the profit, it was a lot, and Fox used as much as possible to acquire more properties. He had to work fast. Others, notably former furrier Marcus Loew, had gotten the same idea, and movie theaters were cropping up all over the city. In Manhattan alone, some two hundred nickelodeon licenses were issued in 1906, and small theaters were also opening in Brooklyn, Queens, and Staten Island. That year, the trade journal *Views and Films Index* reported that "it can safely be said that the cinematograph is now a permanent fixture in New York." Some of

the buildings that Fox took over were tenement houses, where fire regulations required him to evict the tenants and keep the upper floors vacant; he made a profit anyway.

According to a former employee, "Fox was always a glutton for work. He used to come around to [one theater] at ten in the morning and he'd be in the box office until two the next morning. He was always busy doping out new schemes to improve his shows . . ." Fox rarely had time to watch the movies he showed. "My job was figuring out how far my money would go before someone else got the same idea."

Not everyone shared his vision. One day, Edmund Rothchild, one of Fox's former bosses from the garment industry, stopped by to see the show. He pleaded with Fox to come to his senses. "Is this a business?" Rothchild chided. "Giving pictures of people shooting off guns and murdering each other? All this foolishness about people falling down and breaking dishes! Is this a business?" He urged Fox to get out while he could, and even offered him his old job back.

Fox could brush off such criticism, but his partners Brill and Loeb began to have second thoughts. Motion picture theaters had a disreputable aura among the middle and upper classes, due largely to frequent newspaper articles portraying them as dens of sin and schools for crime.* Even venerable social welfare organizations joined in the attack. Reporting on "the pernicious moving-picture abomination," the Society for the Prevention of Cruelty to Children claimed, "The child who steals her first 5 cents from home [to attend a motion picture show] is already on the high road to destruction as surely as the simple girl who yields to the 'kind' strange man who takes her to the pictures. The records of the Children's Court sadly prove that this new form of entertainment has gone far to blast the lives of girls and has led many boys to criminal careers. Boys have admitted to the Judges that their skillful house-breaking was suggested by these pictures." In a New York World interview, the society's chief investigator, Vincent Pisarro, described nickelodeon managers as "an exceedingly low type ... made up of the offscouring of the theatrical business, racetrack touts, cheap gamblers, and even of ex-criminals." Brill and

Loeb told Fox they regretted having gone into business with him. Their wives were being socially ostracized, and people treated them as if they were "running a house of prostitution or a gin mill."

Fox bought them out; all they wanted back was the amount of their original investment. Continuing alone, he did well enough that in February 1908 he decided to expand by acquiring the sixteen-hundred-seat former Unique Theater at 194 Grand Street in Brooklyn. The place was tottering on the brink of ruin, having been shut down permanently in January 1904 after fire department officials assessed it as a potential firetrap. "When I went to visit the premises it was winter," Fox recalled. "The agent said for me to bring along a pair of rubber boots when we made this inspection. I did, and we walked in snow and water up to the knees. The roof was open to the skies. It was the most terrible looking sight I ever saw."

Still, the Unique was the best large property he could afford. In fact, to manage the \$20,000 purchase price for the land and the building, he took back Brill and Loeb as partners, giving them a 50 percent share. They had asked to come back; they, or their wives, had changed their minds about the movies. Throughout his career, Fox would display a remarkable ability to forgive those who disappointed him in business, regarding their lapses less as personal affronts than as the result of limited vision. If they came to their senses, he was usually willing to give people another chance. For him, very few rifts were unbridgeable.

Renaming the building the Comedy Theater, Fox began extensive repairs and launched a public relations campaign to refurbish the image of the theater, which had been nicknamed "the Bum" by area residents because of all the social cast-offs who congregated near its crumbling walls. To "assure the people of the neighborhood that this was to be a theater for nice people," Fox mailed out ten weekly newsletters with progress updates to ten thousand nearby residents.

When the Comedy opened in April 1908, Fox presented a thenunusual "split pea" program combining vaudeville acts with movies and notched ticket prices up to ten cents because "it was in our eyes a real palace." It was the right formula for the time—the inclusion of live entertainment offset the dangers of an unpredictable supply of movies and helped transition larger audiences to screen entertainment. Fox and his partners soon paid off the mortgage and collected hundreds of thousands of dollars in dividends. Living modestly, Fox plowed most of his profits into more theaters.

Although he usually didn't have time to watch the movies, Fox went to his theaters to study his customers. Typically, they were non-English-speaking immigrants, often from Poland or Russia or some other Slavic country, who had no native-language theater in New York City. Most came in after working hours. They wanted diversion, Fox realized, not exactly to escape the dismal conditions of their lives, but to glimpse brighter possibilities elsewhere. They also wanted inclusion, a public social experience that connoted kinship with strangers, to replace the isolation of their differentness. Most important, Fox realized, movie patrons aspired upward. As a result, while many other exhibitors ran shabby theaters that matched the circumstances of their patrons' lives, Fox aimed to touch their dreams. He aggressively catered to a family audience and strove to provide a visible sense of order along with a cheerful ambiance. "I tried to make my theatres as well ventilated, wellmanaged and as clean as possible. It meant twenty-four hours work out of the twenty-four but it was worth it." As managers, he usually hired men with a good voice who could encourage audiences to sing along with the "illustrated songs" that were often shown before the movie and during reel changes.*

"A bit of good luck . . . without it I don't know how anybody succeeds very well," Fox later observed. Indeed, he benefited from his time and place in history and especially from the launch of a new mass-market industry. Early twentieth century America, with its rapid modernization, welcomed bold, creative ambition, while broad social and economic changes (the persistent urban influx, rising wages, shorter working hours, the emerging concept of leisure time) coalesced to deliver eager customers to Fox's theaters. Some of his patrons didn't even care about entertainment. They were shoppers and mothers with children who just wanted to leave

the street and sit down for a while. As *Moving Picture World* observed in 1907, after equipping a movie theater with the basics, all that the average owner had to do was "open the doors, start the phonograph [for musical accompaniment] and carry the money to the bank. The public does the rest."

Inevitably, a backlash occurred. As much as American culture was radically transforming, the entrenched ruling class still believed itself entitled—obligated, even—to defend traditional standards and values. At stake, the old guard believed, was the very foundation of American life. To them, this strange new practice of moviegoing, caught up as it was with so many other elemental societal changes, seemed ready to destroy the old order.

Part of the problem was the suddenness of the change, the voraciousness with which movies were consuming both real estate and leisure time. From those early days in 1904, when barely anyone had seen a motion picture, the new medium had exploded in popularity. By 1907, the United States had three to five thousand nickelodeon theaters drawing more than two million patrons per day, and more small, cheap movie theaters were opening every week, "multiplying faster than guinea pigs," according to *Moving Picture World*. There had been no time to study the impact of movies, no opportunity to consider the social costs of these gaudy, giddy amusements.

The composition of the audience presented another cause for alarm. The poor, the uneducated, unassimilated foreigners, and children: these were society's most unpredictable and most unstable elements, and they were also the groups to whom the movies appealed most powerfully. The malevolent influences of movies, whatever exactly they might be, would therefore strike in the places most likely to induce social disorder. Among large groups of strangers packed together in the dark in movie theaters, even a spark of trouble could ignite panic. In April 1906, for instance, at the West End movie theater on 125th Street, a capacity crowd fell into "wild disorder" after one patron accidentally dropped his

watch and accused the man next to him of stealing it. The second man seized the first by the throat; both began punching each other, causing women to scream at the top of their lungs and faint. Evidently assuming that a fire had broken out, the entire crowd dashed for the exits.

And then there was the raucous sensory assault on public space. Visually, early movie theaters tended to shriek for attention with bright lights and loud decorations. Fox wasn't the only exhibitor who used his sidewalk frontage for noisy come-on attractions. Many hired barkers with megaphones or set up phonographs outside. Others were even more inventive. In front of one small New York City movie theater, a man dressed in an Indian costume and war paint whooped and swung a tomahawk around, then pointed to nearby posters and motioned for the crowd to follow him through the entrance. Another exhibitor set a cage of monkeys near his front door. In formerly sedate neighborhoods, adjacent business owners became incensed by the disruption of their trade.

By the early 1900s, New York had run out of patience with upheaval. In recent decades, the city had been hit with cataclysmic shifts in landscape and population, smashing the traditional sense of place. Between 1900 and 1907, the city's population increased from 3.4 million to 4.2 million. Of the 1907 figure, about 37 percent were foreign born. "The city had the air and movement of hysteria, and the citizens were crying, in every accent of anger and alarm, that the new forces must at any cost be brought under control," observed Henry Adams, grandson and great-grandson of Presidents John Quincy Adams and John Adams, respectively, after visiting New York in November 1904.

Anxious to stabilize the center, clergy members (mostly Protestant) took action. Initially they folded their objections against the movies into a general complaint about all public amusements operating on Sundays. New York State law had long prohibited any business or entertainment on the Christian Sabbath, but the regulation had so many holes in it that it was widely flouted even by staid organizations such as Carnegie Hall and the YMCA. Expressing the typical sentiment, Dr. John Wesley Hill, pastor of the

Metropolitan Temple, railed, "Disregard for the Sabbath means national decrepitude and ruin. When the Sabbath goes down, the republic goes with it." To fight for Sunday "blue" law enforcement, church leaders formed the Interdenominational Committee of the Clergy of Greater New York for the Suppression of Sunday Vaudeville, and mobilized other organizations, such as the Federation of Churches and Christian Organizations in New York City, where one honorary vice president was J. P. Morgan. On November 30, 1906, a group of leading Protestant ministers wrote to Mayor George B. McClellan Jr., demanding that he end all Sunday theatrical entertainments or risk losing his job.

Movie theater owners watched in dread. The controversy was no mere philosophical issue. Sunday was their biggest revenue day because, with the average person's work schedule still including hours on Saturday, it was the only day that most people had completely free. On Sundays, theater owners could fill seats from morning till night and make up for an otherwise bad week. For some, Sunday was the one day of the week that kept them in business.

For the next year, through 1907, a series of skirmishes took place between New York City's small movie theater owners and Police Commissioner Theodore A. Bingham, to whom McClellan had handed off the Sunday-closing issue. A former army engineer whose military career ended in 1904 at age forty-six when a derrick fell on him at a harbor works project, crushing his leg and necessitating amputation, Bingham had no sympathy for either movie exhibitors or the bulk of their patrons. He detested immigrants and regarded Jews, who constituted a large proportion of theater owners, as "burglars, firebugs, pickpockets, and highway robbers—when they have the courage."* After Bingham ordered police officers to arrest anyone found working in a theater on a Sunday, most exhibitors shut their doors on the seventh day and hoped that someone would change the law.

Fox decided to be that person. He had more at stake than just

revenues from his nine theaters in Brooklyn and Manhattan and from his recently started distribution agency, the Greater New York Film Rental Company, which obtained movies from film producers and supplied them to theater owners. Movies were a place to dream and to build, and they were going to make his name. Swiftly, Fox helped organize the city's small theater owners into the 110-member Moving Picture Association (MPA), with himself as the chairman of the executive committee. Then he maneuvered his lawyer, Gustavus Rogers, into the position of the MPA's legal counsel.

Clever and highly ambitious, Rogers proceeded to win a stunning victory by challenging the wording of the penal code section under which motion picture theater employees had been prosecuted. Entitled "Public Sports," Section 265 prohibited outdoor exhibitions such as football and baseball games, horse racing, wrestling, and any "public show" on Sundays. Law enforcement had counted on the phrase "public show" to cover movie theaters. No, Rogers argued. Section 265 defined public shows as a subset of "outdoor exhibitions," but motion pictures weren't shown outdoors. Neither were they a sport or a horse race. Therefore, they weren't prohibited. On Saturday, December 28, 1907, New York Supreme Court justice Samuel Greenbaum agreed, granting a highly unusual omnibus injunction that protected all five-hundred-plus of the city's movie theaters, nickelodeons, and penny arcades from police action on Sundays. The following day, all opened for business. The war wasn't over yet: a final battle remained to be fought a year later. Still, thanks to Fox, many of his colleagues and competitors gained the financial means and the fighting spirit to stay in business.

On a national level, Fox's bold activism won him praise as a potential industry leader. The trade journal *Views and Films Index*, noting that other New York City exhibitors had become "panic-stricken" during the battle over Sunday closure, commented, "It is indeed gratifying to know that somewhere in the trade there is somebody who is continually watching the various city departments which have to do with the government of the moving picture

theatres; a vigilante whose movements, while they mean something to him, mean still more to others who sleep while he works ... With a William Fox in each city where the departments give trouble, a great change would soon be noticed."

CHAPTER 6

Necessary Expenses

Do we Americans really want good government?

—LINCOLN STEFFENS

As he built the foundation of his motion picture career, Fox ran right into "the most powerful, efficient, corrupt political machine in the history of urban America"—Tammany Hall. By the early twentieth century, Tammany had come to rule New York City politics so thoroughly, to have its hands on all the important levers of power, that it effectively controlled the growth and development of the city. If there were money to be made here, Tammany would have its share. Even the rich and powerful had to tip their hats to

the so-called Tammany tigers; an ambitious small-time entrepreneur such as Fox had little choice except to shake hands with the devil.

Headquartered in an ornate three-story marble-and-redbrick building on Fourteenth Street between Irving Place and Third Avenue, Tammany Hall was the local Democratic Party organization, governed by thirty-five leaders elected by registered Democrats in the assembly districts of Manhattan and the Bronx. Tammany's purpose was to win elections and to win them by any means possible, because winning meant open access to the city's enormous treasure chest of taxpayer revenue. Eyeing all that money, regularly collected, for which one did not necessarily have to provide any product or service of commensurate value—and all

those steady city jobs that could be handed out as favors or sold to the highest bidders—Tammany leaders astutely discerned that, requiring only an abeyance of conscience, the easiest way to get rich in America was to fleece a trapped herd of trusting taxpayers.

The organization had never been honest. Formed as an anti-Federalist social club on May 12, 1789, less than two weeks after George Washington's inauguration as president, the Society of St. Tammany had built a robust power base among the immigrant groups that began flooding into New York City during the mid-1800s. In contrast to earlier generations of largely selfsufficient members of the middle class, these newcomers tended to be the beleaguered cast-offs of Old World society: Irish potato famine victims, Italian peasants, persecuted Jews. Tammany's simple strategic genius had been to perceive the influx not as a disruptive social threat but as a golden political—that is, business opportunity. Embracing the ragged masses, Tammany leaders got them jobs and housing, shepherded them through the citizenship process, and gave handouts of food and clothing to the needy. In return, Tammany asked only for Election Day loyalty. Especially to those who'd had little or no experience with participatory government in their homeland, a vote here and there seemed a small price to pay. And wasn't there a stabilizing efficiency in the arrangement? Some apologists have maintained that Tammany helped manage a period of explosive population growth that might have caused New York City's official government structure to collapse.

However, Tammany leaders always made sure to get more than they gave. After installing their protégés in influential offices with large budgets, Tammany politicians looted the city treasury on public works projects, sold municipal jobs to unqualified applicants or gave them away to relatives and cronies, and colluded with the Police Department to run extortion rackets that protected organized gambling and prostitution. New York City government was, according to Presbyterian minister and social activist Charles H. Parkhurst, "a lying, perjured, rum-soaked libidinous lot."

During 1905–1912, the early boom years of the motion picture business in New York City, the real power behind Tammany wasn't any city office holder, but the towering figure of state senator Timothy D. Sullivan. All but forgotten by later generations, the sixfoot-one, broad-shouldered, barrel-chested, blue-eyed "Big Tim" was then New York City's most charismatic and most forceful political figure. According to *Munsey's Magazine*, he held "more absolute individual political power than any other American of his generation."

Master of six East Side districts, Big Tim controlled an estimated one-sixth of the Democratic vote of Manhattan. Because New York was then about equally divided between Republican and Democratic voters, this influence was often sufficient to swing municipal elections as well as the city's choices for state legislators and congressional representatives. When he went off to Albany to do his official job, first as an assemblyman and then as a state senator, Big Tim kept a direct hand in city government through his younger acolyte cousin, Timothy P. "Little Tim" Sullivan, who led the Board of Aldermen and chaired its all-important finance committee.

Big Tim had acquired and maintained his power not only through the force of his personality—which was a beguiling mixture of rascality, benevolence, humor, humility, empathy, and warmth but also through ruthless venality. On the one hand, the people "wondered and adored him." Every year since 1896, he had sponsored a free Christmas dinner at his Timothy D. Sullivan Association headquarters at 207 Bowery, where crowds as large as five and six thousand feasted on turkey, mashed potatoes, chicken, bread, pies, beer, and coffee. "Guests," as Big Tim called them, included drunks and professional beggars, along with out-of-work laborers; some were one-legged, one-armed, blind, deaf, deformed, or crippled. Upon leaving, each unfortunate received a new, boxed pair of sturdy black shoes and warm socks, paid for by Big Tim. Although many recipients immediately took their new shoes and socks to the nearest pawnshop—some "practically ran down the stairs, to dispose of them to the quickest bidder" for as little as

twenty-five cents—Big Tim continued the practice without restriction. It was his tribute, he said, to an elementary school teacher who once helped him get a much-needed pair of new shoes. Throughout the rest of the year, he reportedly gave away at least twenty-five thousand dollars a year to the poor, helping indigent families buy food and pay rent, kept four lawyers on call around the clock to forestall evictions, and paid the wedding fees for young couples who otherwise couldn't afford to marry.

On the other hand, Big Tim was ruthlessly selfish. Born in 1863 and raised by an alcoholic stepfather on the Lower East Side, in a neighborhood of "beer dives, basement groggeries and brothels, sailors' dance halls with unprintable names," Big Tim developed underworld contacts through whom he allegedly ran all New York City's gambling dens and prostitution houses and controlled all the prizefights in Manhattan and upper New York State, netting himself estimated illegal profits of \$175,000 to \$200,000 per year. Among Big Tim's close associates were Max Hochstim, whose benignsounding Max Hochstim Association was one of the city's largest organized prostitution rings;* Monk Eastman, the leader of a murderous Lower East Side gang of gunmen, burglars, and drug addicts; Kid Twist, head of a group of extortionists, killers, and blackmailers; and Paul Kelly,* the well-dressed, multilingual founder of the fifteen-hundred-member Five Points Gang, whom the New York Times would describe in 1912 as "perhaps the most successful and the most influential gangster in New York history."

Notably for Fox, Big Tim had also gotten involved in show business. In 1903 he had partnered with Seattle showman John W. Considine to form the Sullivan and Considine vaudeville circuit, which grew to include some 140 theaters nationwide. In New York, Big Tim and former alderman George Kraus operated the smaller Sullivan & Kraus chain of burlesque houses and music halls. Big Tim had just the sort of influence, and money, that Fox urgently needed.

Motion picture exhibition was about to undergo a great transformation, and Fox knew it. A bellwether event occurred in late May 1908, when the Bijou Theatre on Broadway became Manhattan's first dramatic first-class house to play motion pictures.

The nickelodeons were on their way out, Fox understood. The future would belong to those with the vision and courage to take large-scale action.

So far, other than the Comedy Theater in Brooklyn, Fox had only a string of five-cent theaters. To move forward, he had to get large venues in Manhattan. That presented a formidable challenge. Both the Building Department, which regulated all construction in the city, and the Bureau of Licenses ran notoriously rich graft operations, largely because the municipal building code did not yet specifically address movie theaters, and officials therefore had virtually unlimited discretion. As the industry's prospects for wealth increased, more hands reached out. In January 1908, the Department of Gas, Water, and Electricity began to require every movie theater manager to submit a written application and every projectionist to take a qualifying exam. Additionally, the Fire Department now did compliance inspections. To navigate the corrupt bureaucracy, Fox needed a protector, a sponsor.

Never inclined to do anything by half measures, he aimed for the top. In late June 1908, he found his opportunity in the declining health of George Kraus, who had run Sullivan & Kraus on a day-today basis. Kraus was no longer up to the job: he'd just had his diseased left eye removed and was heading toward a nervous breakdown in 1910. Fox approached Kraus with an offer to take a long-term lease on Sullivan & Kraus's Dewey Theatre, which seated nearly one thousand, on Fourteenth Street. Fox had been renting the Dewey since the end of May on a ten-week lease for \$50 a day, presenting a profitable program of movies and light vaudeville. Kraus set up a conference with Big Tim, who insisted that Fox take over not only the Dewey, but also another Sullivan & Kraus theater, the Gotham, on East 125th Street, for a combined annual rental of \$90,000, with \$50,000 paid up front as security. That large deposit would ensure Fox's serious commitment and would also make the deal instantly profitable to Sullivan & Kraus, which was paying only \$14,000 annually for the Dewey and which planned to use part of Fox's deposit to buy the Gotham. Fox signed a lease for both theaters eight days later, and by July 15 he had handed over

payments totaling \$50,000.*

Although Fox and Big Tim evidently hadn't met before these negotiations, several connections linked them. Gustavus Rogers, Fox's business and personal lawyer since at least early 1907, had long been an ally of Big Tim. In 1896, as a nineteen-year-old City College student, Rogers had served as a Tammany Hall district leader, and shortly after earning his law degree from New York University, he had been rewarded with a plum city job as assistant corporation counsel. Rogers had also been Tammany Hall's corresponding secretary and legal counsel. Additionally, Big Tim undoubtedly knew about Fox via his well-publicized run-ins in 1906 and 1907 with Police Commissioner Bingham over the Sunday-closing laws. Yes, Big Tim must have realized, Fox was someone he could trust.

Fox got a rude introduction to business as usual with Big Tim. By leasing the Dewey and the Gotham to Fox, Sullivan & Kraus had broken a ten-year contract (which still had eight years left to run) entitling the Empire Circuit burlesque booking company to present its shows at both theaters. Although Big Tim offered to pay damages, on August 10, 1908, Empire Circuit sued Fox and Sullivan & Kraus in federal court to try to force both theaters to present only its burlesque shows. Fox had no intention of doing that, and Empire Circuit dropped the lawsuit within a few weeks, probably accepting a financial settlement because, after all, Big Tim was Big Tim. Nonetheless, the lawsuit temporarily threw Fox into a panic because it would have been impossible to rent other theaters in Manhattan for another year.

Around the same time as the Empire City lawsuit, Fox began receiving repeated demands from the Fire Department and other city agencies to make safety alterations to the Dewey that threatened to cut its thousand-seat capacity by 40 to 50 percent. It turned out that Sullivan & Kraus had fraudulently finagled licenses to operate the theater, which did not have either a sprinkler system or the kind of fire exits required by the building code. Although his

lease had explicitly stated that both the Dewey and the Gotham would be brought into full compliance with all municipal and state laws before he took possession, there was really nothing Fox could do. Sue Big Tim Sullivan? He might as well go out of business. Instead, he would have to rely on Big Tim's protection from interfering officials and hope to avoid a disaster.

Further to Fox's vexation, Big Tim made it clear that he intended to use their shared enterprises the way he used city government, as a patronage tool. Although Fox already had a perfectly good accountant, Big Tim insisted that he replace him with a compulsive gambler who had been in jail three times. Fox protested—a criminal? "Yes, those are the only kind to employ," Big Tim explained. "But before you employ him, tell him you know he is a convict and that you are trying to give him a new chance in life. If you tell him that, he will never cheat you. He may cheat others around him, but he will never cheat you."

For a while, Fox was pleased. "I never employed a man more intelligent, efficient, and studious than this one. He had a wife and two children, a girl and a boy. They were gorgeous children." Then the man failed to show up at work for three days, and on the evening of the third day, he arrived at Fox's home to confess that he had stolen \$5,000 from the cash drawer and gambled it away. He was no good, the man wailed, and now, with the .44-caliber pistol he had with him, he was going down to the river to shoot himself. If the gunshot didn't kill him, he told Fox, then at least he would fall into the water and drown because he couldn't swim.

Fox recalled, "I took it as a joke and asked him to illustrate how he was going to do it. He said his back would be toward the water. I told him that was wrong—he would fall forward when he fired this shot and would land on the dock. He said, 'Thank you very much. Perhaps you are right. I suppose that is the way to do it.'"

A moment after the man had left, Fox was stricken with remorse. "I asked myself what had I done—I had advised him how to commit suicide." He sent his secretary after the accountant, and when they returned, Fox said he had reconsidered.

"How much a week do I pay you?" he asked.

"A hundred dollars," the man replied.

"How much could you live on if you didn't gamble?"

"Sixty dollars."

Then give me the gun, Fox said, and go back to work for sixty dollars a week.

The man got down on his knees and kissed his employer's hands. Then he went back to the office, stole another \$3,000, and disappeared for good.

The next day, Fox told Big Tim the whole story. As overseer of the city's vice dens, Big Tim knew exactly how to fix the situation. A short while later, the owner of the gambling house where the accountant had lost the first \$5,000 showed up with eight \$1,000 bills, which Big Tim gave to Fox. When the gambling house owner had argued that he had received only \$5,000 of the stolen money, Big Tim said, "I know, but you had no right to let him gamble in your house. You knew he was working."

Spending habits were another area of annoyance. After so many years of denying himself to save to get ahead, Fox wanted to know exactly how his money was being spent and to get good value for it. Big Tim, with so much to hide, kept almost all his accounts in his head. Correspondence files? As soon as Big Tim had read a letter, he tore it up "as if it contained the most terrible secret in the world." And as a compulsive gambler who favored the racetrack and card games, Big Tim spent money recklessly and emotionallysometimes tossing a coin with thousands of dollars at stake and squandering twice as much as he'd won to celebrate the fact of having won. He was equally casual with business income and tended to use his theaters as private banks. Before Fox took over the Dewey, for instance, Big Tim made a regular habit of dipping into the box-office receipts. Once, after he extracted an inch-thick stack of bills from the desk on his way out the door, the theater's treasurer asked him how much he'd taken. "Oh, about half a pound," Big Tim replied. Variety commented, "It requires an expert accountant with skill as a clairvoyant to make up the balance sheet of the Dewey Theatre when Timothy D. Sullivan happens around."

There was no point, however, in complaining. As time went on,

Fox needed Big Tim more, not less. The race to dominate New York City movie exhibition with large, ostentatious theaters was escalating furiously, and more and more city government departments were getting involved in regulation. By the spring of 1911, New York City movie theaters needed approval from seven different city departments: the Health Department; the Police Department; the Fire Department; the Bureau of Buildings; the Department of Water Supply, Gas and Electricity; the Mayor's Bureau of Licenses; and the Tenement House Department. Lacking Big Tim, Fox would have had to contend with, and probably pay off, employees in all seven departments.

So, Fox concentrated on proving his value to Big Tim. At the Dewey, with Eva's brother Joe Leo as the manager, he implemented a combined bill of vaudeville and motion pictures for ten cents a ticket and focused on the details that made a difference. Despite overhead expenses that were more than twice those of a nearby competitor, Fox hired some fifty employees, including twelve reduniformed ushers, three sign painters, and two projectionists, and introduced various innovations. For instance, as a result of chaotic conditions among film manufacturers and distributors, films often arrived at theaters without a frame showing their title. Fox came up with the idea of having a card boy stand off to the side of the stage and, before every film,* place a title card on an easel that was lighted by a shaded lamp similar to those on music conductors' stands. To facilitate the speedy entry of crowds, Fox began using strip tickets instead of brass tokens that had to be inserted into a counting machine.

Forward thinking paid off. On Thanksgiving Day 1908, the Dewey sold twelve thousand tickets, yielding a box-office take of \$1,200, which was believed to be a motion picture theater record. *Variety* commented, "Altogether, the Dewey comes close to being about the best run and most profitable moving picture place in New York."

Before the year was out, Big Tim's political support had helped Fox

significantly boost his public profile. Despite the injunction that Fox's lawyer Gustavus Rogers had gotten in late December 1907 protecting New York City movie theaters, the Sunday-closing controversy had never died down. Instead, various clergy members had continued to sermonize on the subject and to hound Mayor McClellan through letter-writing campaigns and visits to his office.

Worn down, stung by charges that he was weak and indecisive, McClellan finally acted. On December 24, 1908, after a five-hour public hearing the previous day that had been thronged by irate clergymen, he issued an order revoking and annulling the licenses of all the city's 551 "common show" movie theaters (those with fewer than three hundred seats) effective at midnight. The closure would last indefinitely.

McClellan cited concerns about physical safety. He personally had visited many firetrap movie theaters, he explained, and believed he was "averting a public calamity." That was an excuse, but it played upon the public's well-justified terror of fire: every year, New York City suffered more than twelve thousand blazes, with associated losses of \$7.6 million. Movie theaters were especially vulnerable. Still prominent in public consciousness was the horrific disaster that had occurred on January 13, 1908, at the Rhoads Opera House in Boyertown, Pennsylvania, a town of 2,500 about fifty miles northwest of Philadelphia. There, a movie projector suddenly exploded and sent a wave of roaring flames toward the horrified audience. Among a crowd of about 400, some 169 people died—either burned by the fire, choked by smoke, or crushed underfoot in the stampede to get out.

Backed by Tammany, Fox immediately challenged McClellan's order. On December 26, lawyer Gustavus Rogers got a temporary injunction, and by 8:00 p.m., most movie theaters had reopened. They stayed open. In January 1909 the injunction became permanent when a New York Supreme Court judge ruled that the mayor had no right to close a theater arbitrarily without specific evidence that it had violated the law. The episode proved such an embarrassment to McClellan that he would not mention a word about it in his autobiography. Fox's triumph was noted by

newspapers around the country.

"The Next Napoleon of the Theatre"

Impressed by Fox's ambition and determination, Big Tim invited

his protégé into two large building deals. In May 1909, Fox joined Big Tim, Little Tim, and George Kraus in organizing the City Theatre Company to build a new twenty-five-hundred-seat theater on Fourteenth Street, next to Luchow's restaurant between Third and Fourth Avenues. Then, in the spring of 1910, Fox, the two Tims, Kraus, and Fox's nickelodeon partner Sol Brill formed the Phoenix Amusement Company to build the eighteen-hundred-seat Washington Theatre in Washington Heights, at the northeast corner of Amsterdam Avenue and 149th Street.

On both projects, Fox supervised construction and hired fledgling architect Thomas W. Lamb, a Scottish-born former New York City building inspector who would soon become one of the world's premier movie palace designers. Although the \$225,000 Washington Theatre project appears to have proceeded smoothly, the City Theatre turned into a massive headache. The enterprise rested on a cockeyed financing scheme that Big Tim had set up with a contractor named Mahoney to adjust for the fact that the four partners had only a fraction of the estimated \$300,000 building cost.

Mahoney had agreed to accept promissory notes for half the monthly installment payments and to keep renewing the notes as often as Big Tim needed. A week before the first \$10,000 note was due to the Colonial Bank, Mahoney was nowhere to be found. Don't worry, Big Tim said, the problem was Mahoney's because it was Mahoney who owed the money to the bank. Unconvinced, and frantic that the note would go to protest and his credit would be ruined, Fox scraped together \$2,500 to cover his one-quarter interest and, on the final day, went to see Colonial Bank president Alexander Walker. Setting the money on Walker's desk, Fox asked that his name be removed from the note.

"Walker pushed a bell and a man in a gray uniform with a night stick in his hand appeared," Fox recalled. Walker wanted only the entire \$10,000 and swept Fox's cash onto the floor. "I picked it up and was gently led out by the man in uniform." From outside, Fox phoned. As soon as he heard Fox's voice, Walker slammed down the receiver. Fox went back to Walker's office. "He yelled, 'Get out!' at the top of his voice and this time two men came in and just threw me out." For the next hour or so, Fox stood outside Walker's window, occasionally tapping on it "to let him know I was there." When the clock struck three, ending the banking day, it seemed as if the default "would destroy my whole possible career."

The next morning, Mahoney materialized and cheerfully renewed the note. The bank didn't protest the one-day delay. That was Big Tim's way of doing business. Rules were flexible.

After eleven months, the City Theatre was finally finished. It was magnificent. Built in the same French Renaissance style that the Astors and Vanderbilts had favored for their mansions, the theater had a twenty-five-foot-square lobby, twenty-five-hundred leather-backed mahogany seats, a proscenium arch finished in gold leaf, and a silk-embroidered drop curtain depicting a scene from the Versailles gardens.

Making a profit, however, was a problem. Although Fox had intended to run the City as a motion picture theater and had told Lamb to leave room for a projection booth, Big Tim insisted on live theater. As a result, the City opened, on April 18, 1910, with *Miss Innocence*, starring Broadway musical star Anna Held. "It was a loss from the first day it was open," said Fox. They tried eight different

plays in about two months, then began renting the place out to theatrical booking companies such as William Morris and Klaw & Erlanger. Fortunately, Big Tim was interested only in money, and in late November 1910 he agreed to give Fox a twenty-one-year lease on the City for \$75,000 a year. Now solely in charge, Fox changed the fare to a combination of vaudeville and movies. With another of Eva's brothers, Ben Leo, as its manager, the City began to make money, soon yielding annual profits between \$42,000 and \$45,000.

Elsewhere around the city, Fox bought, built, and leased at such a furious pace that theater impresario and author Robert Grau called him the "next Napoleon of the Theatre." Fox made decisions swiftly and (another hallmark of his career to come) often led with a stunning offer. One morning in early February 1909, for instance, he spent only eighteen minutes before deciding that he had to have the Family Theatre on 125th Street. Previously operated as a modest vaudeville house, the Family was just down the street from Fox's Gotham movie theater, which he had rented seven months earlier from Big Tim Sullivan. At 10:00 a.m., watching rival exhibitor William Gane gesturing grandly to a workman in overalls in front of the Family, Fox understood that he was about to face tough competition. Indeed, the previous midnight, Gane had signed a seven-year lease to take over the Family and had announced plans for a \$20,000 renovation. At 10:18 a.m., Fox walked over and proposed to take over Gane's lease, offering to reimburse all Gane's costs and pay him a \$10,000 bonus. A \$10,000 profit in less than half a day: Gane accepted on the spot. Fox made no improvements to the Family Theatre and ran it as a five-cent movie theater, so as not to dent business at the Gotham, which offered the "split pea" film-and-vaudeville format for ten cents' admission.

Other properties that Fox swept up included the Star Theatre at Lexington and 107th Street; the Nemo Theatre, an 1,100-seat former café and music hall, on the southeast corner of 110th and Broadway, which Fox bought in 1911 for just under \$500,000; the New York Roof Theatre, on Broadway between Forty-Fourth and

Forty-Fifth Streets; the 2,000-seat Folly Theatre, on Debevoise Street in Brooklyn, where Fox took a ten-year lease at \$35,000 annually; and the 3,000-plus-seat Academy of Music on Fourteenth Street at Irving Place.

The Academy of Music was a particularly perilous venture. A jewel of the late-nineteenth-century New York landscape, loosely modeled after the Berlin Opera House, the property had always struggled financially and was now a frowsy white elephant with "half-demolished and moldy furniture" and an undistinguished stock theater company tromping through a new play every week. Fox first made an unsuccessful low-ball offer. Then, after learning that rival exhibitor Marcus Loew was close to acquiring the property, he panicked. Loew was an able showman who would undoubtedly siphon off business from Fox's two theaters nearby on Fourteenth Street, the existing Dewey and the under-construction City. Big Tim intervened and swung the deal to Fox on similar terms to those Loew had proposed. In February 1910, Fox signed a ten-year, \$100,000-a-year lease on the Academy and paid an upfront security deposit of \$100,000 in cash.

For nearly two years, Fox lost money at the Academy, a total of \$380,000. Reluctant to compete with himself by showing movies there, he started out presenting low-cost plays. That idea failed. So did opera. So did boxing matches. Not until he renegotiated his lease in order to undertake a \$118,000 renovation—the main feature of which was the creation of retail store space along the Fourteenth Street side, previously occupied by a brick wall and an iron fence—did the Academy's fortunes turn around. When Fox reopened the theater in the summer of 1912, the rent from the stores exceeded his lease payment, and over the next decade he earned back all his prior loss.

Yet even when the Academy of Music was bleeding cash, Fox continued to spend extravagantly. No one was more determined to advance New York City's trend toward movie theater magnificence. In March 1911 he began building the 1,800-seat Riverside Theater on the northwest corner of Broadway and Ninety-Sixth Street, spending \$900,000 on land and construction costs. Ten months

after opening day in December 1911, *Variety* reported, "Rain or shine they jam, push, elbow and literally force their way into William Fox's Riverside theatre. The audience at the Riverside looks like class."* In June 1912, he leased the adjacent property, which stretched to the southwest corner of Broadway and Ninety-Seventh Street, and there built two more theaters: the Riviera at ground level and, stacked on top of it, the Japanese Gardens. He now controlled the entire city block, worth an estimated \$2 million.

Simultaneously, in February 1912, Fox began his most daring project yet: the Audubon Theater, an immense entertainment complex on Broadway between 165th and 166th Streets. Only two years before, the area had comprised a disreputable collection of shabby frame houses, and according to the *New York Times*, "had anyone suggested building a good-sized theatre in the locality, it would have been regarded as an evidence of boldness bordering on insanity."

Fox, however, saw signs of change: the American League baseball park across the street, the subway station two blocks away at 167th Street, and, most important, the migration of middle-class families into the Washington Heights neighborhood. Spending \$1.2 million for the land and construction, he built the block-long Audubon, "as bright and shiny as a new coach," with an enameled brick exterior ornamented with protruding fox heads. Inside were a 3,000-seat theater opulently decorated in red and gold; a \$12,000 oil painting of the Continental Congress; a roof garden theater; the Danse d'Hiver ballroom, and about twenty-five stores. Although some observers predicted that the area's population wouldn't catch up for another five years, "the Audubon started off like a race horse and has not stopped," Variety reported six weeks after the complex opened on November 27, 1912. Farther north, in the Bronx, Fox built the 2,500-seat Crotona Theatre on Tremont Avenue between Park and Washington, which opened in late 1912 as part of a \$650,000 L-shaped office and loft building.

Fox also began to expand regionally. In Newark, New Jersey, he took over Proctor's Bijou Dream, renaming it the Washington Theatre. In New England, announcing that he intended to create a

regional theater chain, he leased the Grand Opera House in New Haven, Connecticut, and the Nelson and the Gilmore theaters in Springfield, Massachusetts. In Connecticut, he took over theaters in New Britain, Waterbury, and Bridgeport, renaming each one "Fox's Theatre."

By early 1913, Fox had fourteen movie theaters in the New York City area. In the space of four years, he had spent more than \$4 million on land and construction costs.

Where did all the money come from? To explain his feverish spending spree, Fox usually said that he mainly used profits from his existing theaters, taking for personal use only as much as he and his family required for necessities. Indeed, the Foxes lived comfortably but not lavishly. As of 1910, he, Eva, nine-year-old Mona, and six-year-old Belle lived at 272 East 200th Street in a then-fashionable section of the Bronx with a live-in servant, nurse, and chauffeur. However, they rented rather than owned the home. Two years later, his personal financial profile remained relatively modest. He wasn't even mentioned when, in December 1912, Variety compiled an informal list of the wealthiest people in show business. Among his peers, Marcus Loew showed up with an estimated \$1.5 million, and Big Tim's Sullivan and Considine partner, John Considine, was reportedly worth \$2 million. Still, it's unlikely that reinvested profits could have completely covered Fox's expansion costs. His ticket prices were mostly in the ten-to-fifty-cent range, and every theater had substantial operating expenses.

Fox also referred to having loans from several banks. That explanation, too, falls short. Small banks wouldn't have had sufficient resources to stake him to the full extent of his vision, and large banks, which then had highly conservative lending policies, almost certainly wouldn't have been willing to finance such speculative enterprises. Considerable turmoil prevailed in the motion picture industry. Intense competition and expansion among exhibitors had caused both a shortage in the supply of good films and an excess seating capacity. By 1912, many New York show

business leaders frankly admitted that they considered the market to be overbuilt with movie theaters.

Furthermore, as a credit risk, Fox remained doubtful. He had conspicuously failed at the outset with the City Theatre and the Academy of Music, and his plans for the Audubon Theatre initially seemed financially reckless. Around this time, he also had serious labor troubles. In late November 1911, twenty musicians and fifty stage employees, all members of the American Federation of Labor, had gone on strike at four of his theaters (the Academy of Music, the City Theatre, the New York Roof, and the Family Theatre) after Fox refused to pay the New York Roof musicians extra for working on Sundays. Fox handled the situation poorly. He ignored letters from the musicians' union asking for an amicable settlement and, to replace the striking workers, he hired street musicians and imported stagehands from Canada. Then, after the union newspaper The Call reported on the dispute, he filed five libel lawsuits for \$100,000 each on behalf of five of his theaters* that he thought the paper had maligned. In May 1912, several employees at the Fox-leased Orpheum Theatre in Jersey City walked out after management tried to lay off one worker. Years later Fox would learn to cool down and accommodate other points of view, but he hadn't done so yet.

Despite all these difficulties, Fox displayed a curious ease about finances. When the Vaudeville Managers' Protective Association, where he served on the twenty-five-member board of directors, proposed in December 1911 to impose a \$200-per-head tax on its members to help him in his fight against the striking union workers, he refused to accept. He didn't need the money, he said. And in acquiring so many large theaters in such a short space of time, he never hesitated. Somehow, he always found all the money he needed.

The third part of Fox's explanation about funding, while the area of his scantest public comment, was probably the most important: his relationship with Big Tim Sullivan. Years later, Fox would explain his decision to partner with Big Tim by saying, "I had a lot of theaters behind me at this time, but no cash." Cash, of course, was something that Big Tim had abundantly. In addition to his vast

illegal income, Big Tim reportedly traded political influence for access to some of the city's legitimate fortunes—"the doors of the great were open to him; and that meant that their coffers were open to him when he needed money." As an underwriter for Fox's nascent film empire, Big Tim had a unique, vital advantage. He could provide large amounts of cash instantly with no paperwork to fill out and no further approval needed.

Every now and then, Fox had to step in closer to Tammany Hall's web of corruption. In May 1911, New York City chamberlain Charles H. Hyde, who was responsible for safeguarding some \$500 million in annual municipal revenues, was indicted by a grand jury for bribery. Two of the banks where Hyde, a Tammany stalwart, deposited city money had gone bust under highly suspicious circumstances. Additionally, Hyde had evidently helped organize and distribute a \$500,000 bribery fund to defeat the Hart-Agnew anti-racetrack gambling bill in the state legislature. To pay for Hyde's defense, Tammany passed the hat among "all of the boys." Fox did his part. For \$10,000, he bought Hyde's thirty-five-foot houseboat, the *Stop-a-While*, even though he had little time for such recreation.

Tammany's money did its job. Although Hyde was convicted by a jury in November 1912 and sentenced to a maximum of three and a half years of hard labor in state prison, he was never much inconvenienced. He spent only a few weeks at the Tombs, in a three-room suite with a private bath, a courtyard view, and two closets full of his clothes. Then, in a very unusual move, the judge who presided over the trial granted a certificate of reasonable doubt and let Hyde out on bail to prepare his appeal. In the spring of 1913, Hyde's conviction was set aside.

For Fox, who bridled at such unscrupulous dealings but believed them necessary, there was nothing to do except try to forget. He had Hyde's houseboat repainted, redecorated, and renamed the *Mona Belle*, after his two daughters.* Despite his outward display of confidence, Fox had moments of great discouragement, times when he questioned whether he had the strength to persevere. Two relationships uplifted him. First, in the early 1910s, he formed an unlikely friendship with Marcus Loew, his principal rival in the so-called "small-time" or "pop" vaudeville business in the New York City area. Each operated a circuit of a dozen or so theaters that offered low-priced entertainment combining live acts with motion pictures. In some neighborhoods, their theaters competed head to head for patronage; they had also fought each other for control of the Academy of Music. But Fox and Loew both believed passionately in the future of motion pictures, and both were also essentially optimists who strived to treat others decently.

As a result, they often behaved like collaborators. They helped each other with bookings, so that acts often played one week at Fox houses and the next at Loew houses and vice versa, and they stood together solidly against their opposition, which included the Moss & Brill Circuit, whose principals were Benjamin Moss, Fox's former partner in the Knickerbocker Cloth Examining and Shrinking Company, and Sol Brill, Fox's former nickelodeon partner. Fox and Loew worked together so closely that in the spring of 1912, a false rumor circulated that they were planning to combine their theater circuits. Loew was a friend when logically he shouldn't have been. Fox would never forget that.

The other person who restored his courage was not his wife, Eva, to whom he could show no weakness, but his mother, Anna. One evening, feeling particularly overwhelmed, he told her that he intended to quit the motion picture business. She pulled him from his chair, pushed him up against a wall, and held him there by the shoulders. "You have your back to the wall," she told him. "You are looking before you. You cannot go backward. Move forward. You will find it that way all through life. Your past is the wall against which you stand. You cannot go backward. You must go forward."

Those words changed everything. They gave Fox the strength to try again, he said, and to keep trying until he succeeded. Years later, he would tell the story to other young men who seemed to be losing hope. In tribute to his mother, all good mothers in Fox movies would be like his mother: kind, self-sacrificing, inspirational, and loving. A great many of them even looked like Anna Fox.

The Wizard of Menlo Park

As he raced to assemble a major movie theater circuit, Fox had to contend with the quirky, curmudgeonly Thomas Edison, the so-called Wizard of Menlo Park.* Having perfected the Kinetograph motion picture camera in the summer of 1889, and having used that technology to develop a successful motion picture projector, Edison believed he had invented the modern motion picture. That, to his mind, entitled him to dictate all aspects of the movies' commercial development—who would make them, what they should look like, and how and where they would be exhibited.

Edison's claim was extravagant. Although he owned crucial camera and projector patents, a long list of other inventors had provided essential foundational work. Edison himself hadn't even done the hands-on work on the Kinetograph: that task had fallen to his loyal assistant, William K. L. Dickson. Furthermore, at the time of its invention, Edison hadn't particularly valued the Kinetograph.* After perfecting it in the summer of 1889, he waited two years to apply for a U.S. patent, and in his own words he "carelessly neglected" to patent it abroad. Nonetheless, Edison believed that his inventions were his inventions and that no one else had the right to run away with them. That, in general, was the Edison personality. Observed his good friend, Henry Ford, "He is always in control."

At least, he tried to be in control. As Edison unhappily discovered, that wasn't always possible. When profit-hungry entrepreneurs began to rush into the field after the first public

exhibition of motion pictures on April 23, 1896, at Koster & Bial's Music Hall at Thirty-Fourth Street and Broadway in New York City (now the site of Macy's), his elegant scientific mind went slightly haywire. Not only did these philistines seem likely to ruin the reputation of his fine inventions, they were also benefiting richly from his hard work. While "the money end of the movies never hit me the hardest," Edison always had to be sensitive to the financial demands of his career. As he later wrote, "The experiments of a laboratory consist mostly in finding that something won't work." Most inventions took him from five to seven years to complete. Some he never finished because he never solved their problems. And then there were the immense difficulties of marketing an innovation. "Society is never prepared to receive any invention. Every new thing is resisted," he found. It had taken him more than seven years to persuade people to adopt the incandescent lightbulb, he said, and about thirteen years to properly introduce the phonograph.

Now, serendipitously, the public had embraced motion pictures. Why should others carry off the immense profits he needed to continue his important work for the benefit of all mankind?

Further to Edison's annoyance was the fact that so many of the new motion picture businessmen were Jewish. Although he never became as venomously anti-Semitic as his friend Henry Ford, Edison didn't like Jews. They were "strange to me in their isolation from all the rest of mankind," he wrote, and they had made "terrible examples" of themselves by using "almost supernatural business instincts" to take "too great an advantage" of other people. In the motion picture industry, Edison later complained, after he personally had solved many early difficult technical problems, "Well . . . a lot of our enterprising Hebrew citizens jumped on board."

He wouldn't have it. Between 1897 and 1905, Edison filed some thirty-three federal patent infringement and copyright lawsuits against competitors, as much to frighten off potential rivals as to rebuke alleged offenders. His motives weren't purely selfish. He genuinely wanted "his" motion picture inventions to contribute to

the social good, and he believed in the pristine efficiency of monopoly. As he saw it, if he could limit the number of film manufacturers, renters (distributors), and exhibitors to a number that the marketplace could comfortably support, and if he could regulate all of them to ensure high-quality standards, then the whole industry would run like one of his marvelous mechanical inventions. Everyone would profit. All would work together harmoniously to improve products and services.

But Edison's legal maneuvers didn't necessarily deter the sort of adventurers who were drawn to the motion picture business. Back and forth the arguments went. Then, on March 6, 1907, the U.S. Court of Appeals ruled that all U.S. motion picture producers (with the lone exception of the American Mutoscope and Biograph Company, known as Biograph) were using equipment that infringed on the Edison Company's patents. Thus, from now on, anyone who wanted to make, distribute, or exhibit motion pictures in the United States would have to get permission from either Edison or Biograph.

Sixty-year-old Edison then made a strategic mistake. After assigning all his motion picture patent rights to the Edison Manufacturing Company, he turned away from active management. He didn't really like the movies. He considered them a waste of his valuable time and believed they were best suited for women and children, who, in his view, had limited intellectual capability. In order to return to work on his most beloved invention, the phonograph, Edison appointed William E. Gilmore, who had successfully managed Edison's phonograph business, to handle motion picture licensing. An abrasive, imperious personality, Gilmore licensed seven other "manufacturers" (as movie producers were then called) in addition to Edison's own filmmaking division but refused to grant easier terms to Biograph. For the sake of convenience, Biograph had wanted to join the Edison group and believed that because of the March 1907 Court of Appeals decision, it shouldn't have to pay royalties to Edison. Although evidence indicates that Edison might have agreed to that condition, Gilmore refused. Given no incentive to join the Edison group, Biograph licensed its own rival group of manufacturers. And so the war for

control resumed. During the first half of 1908, Biograph and Edison hurled patent infringement lawsuits back and forth at each other and at each other's renters and exhibitors.

Fox signed contracts with the Edison group, and by late May 1908 he had been sued twice by Biograph. Nonetheless, the situation was tolerable. Competition between Biograph and Edison kept prices down and caused both companies to enforce contract terms leniently. Fox's theaters thrived and his Greater New York Film Rental Company earned healthy annual profits.

Unfortunately, the Edison-Biograph duopoly, relatively benign for film renters and exhibitors such as Fox, didn't last. In July 1908, Edison fired Gilmore, not for incompetence but because of dishonesty. Gilmore owned a Newark printing business that had been grossly overcharging on its contract with the Edison companies. To replace Gilmore, Edison appointed Frank L. Dyer, the Edison Company's general counsel. A gray company man, a patent lawyer from a family of patent lawyers, Dyer had less interest in achieving Edison's stated goal for motion pictures ("a system of business in which everybody is satisfied, everybody making money . . . A square deal for everybody") than in extracting every possible dollar from every possible source.

Disdainful of movie business entrepreneurs, regarding them as "not yet . . . thoroughly civilized," Dyer immediately moved to establish a production monopoly. By the end of 1908, he had forged a peace treaty with Biograph, which agreed to pool its patents with those of the Edison group in the newly created Motion Picture Patents Company. With Dyer as president, the MPPC then licensed ten film manufacturers, including the Edison Company and Biograph, to make movies under those patents. Instead of each company marketing its movies competitively, all ten MPPC licensees would sell their movies exclusively to the MPPC, which would rent them out to distributors and exhibitors at a uniform price. For Fox and his peers, this arrangement was very bad news. They would no longer have any bargaining power to get the movies they needed. The ten licensed producers were standing together as a bloc, and because of the MPPC's control of the patents, no one else

in the country could legally make a movie. Film renters and theater owners would have to accept whatever terms the MPPC established.

Fox's hopes for fairness evaporated in mid-January 1909, when he attended a meeting at New York City's Hotel Imperial where an MPPC executive read the new contract aloud. It had all the charm of a slap in the face. Among the more stinging points: All rental exchanges and exhibitors would have to get re-licensed. Some in each group would get put out of business—an unfortunate move, but necessary to "conserve the interests of the better class." Each exchange, and each of its branch offices, would have to order at least \$2,500 worth of films per month. Films would have to be returned to the manufacturer within six months. The previous Edison group agreement had had a similar requirement, but it had never been enforced, so renters had been able to build up extensive libraries with which to supply theaters in newly opened territories.

Furthermore, because the MPPC controlled motion picture projector patents, every U.S. exhibitor would have to pay a two-dollar royalty fee per projector every week. The fee applied even for projectors purchased before the MPPC's inception.

Film renters had to sign the new contract by January 20—only a few days away—or get cut off from film shipments. Exhibitors had until February 1.

Take it or leave it, MPPC officials shrugged. But remember, they counseled, leaving the MPPC would mean leaving the industry.

Fox and others stood up to protest the harshness of the terms. The MPPC refused to budge. Take it or leave it. They meant that.

Fox struggled mightily about what to do with his Greater New York rental exchange company. Because he was his own best customer, the decision to commit the company to an MPPC license would mean that he was also committing all his theaters. On January 20, 1909, the last possible day, he signed the new MPPC contract. He had no choice. The average illegally produced independent movie was so bad, he said, that "a man would simply ruin his business to try and exhibit it."

Many other exhibitors and film renters, small-time entrepreneurs who wanted to sustain their dreams rather than fight a giant, also fell in line. License applications from both groups flooded the MPPC offices. By mid-March 1909, the MPPC had received applications from 4,800 of the country's 10,000 theater owners, and would soon approve 120 film renters.

Beneath the appearance of compliance, resentment festered. The rank and file loathed the MPPC from the start and immediately began referring to it as "the Trust," an epithet that rankled company leaders because of growing public outrage over huge business combinations. Particularly odious was the \$2-a-week royalty fee that the MPPC demanded per film projector. Exhibitors fumed about the fact that after buying the projector at an average cost of \$150, they now had to pay another \$104 every year for the right to use it.

What did they get back for the \$2? The MPPC had promised marketplace protection: licensed exhibitors were supposed to get movies that non-licensees couldn't. As it turned out, many licensees soon found that their unlicensed competitors were offering the exact same movies, obtained from unlicensed rental agencies. Exhibitors knew that the MPPC knew about the violations because many of them wrote to the company, providing names, addresses, and dates. The MPPC took no action.

The MPPC had also pledged not to license any more theaters than a particular territory could support. To all appearances, though, it seemed to hand out a license to virtually anyone with \$2 a week to spare. An exhibitor in Albia, Iowa, reported to *Moving Picture World* in January 1910 that in his town of only 4,500, the MPPC had licensed at least seven other theaters during the previous two years, and all of them had failed.

Better films, then? The MPPC had claimed that by eliminating "destructive" competition, it would free up resources to improve the quality of American motion pictures. In fact, the ten licensed manufacturers made very little creative progress. Senseless plots, bad acting, and sloppy camera work proliferated. With their market contractually sewn up, the MPPC's member companies had no

incentive to innovate. To the contrary, experimentation would have created a financial risk for very little potential reward. Further blocking advancement, the ten licensed manufacturers colluded to suppress costs: all agreed to pay no more than twenty-five dollars for a film script, causing many successful writers to decide that they couldn't afford to work for the movies, and weekly salaries no greater than fifty dollars for directors and sixty dollars for performers.

Even the technical aspects of MPPC movies remained amateurish. "I wish to know why it is that the Lubin and Edison films are so shaky?" a Dothan, Alabama, exhibitor complained in a letter to *Moving Picture World*. "I dread to exhibit the films on this account. Some of them are so shaky that you can scarcely read anything on the screen." Another licensed exhibitor received film with no sprocket holes, so that it wouldn't go through the projector. A Hartford, Wisconsin, theater owner found his incoming film shipments "in an actual state of putrefaction. 'Gee, what the h-kind of a game is this!' I said to my partner.'"

No protection, mediocre if not execrable merchandise—still, the MPPC kept its hand out to exhibitors for the \$2 per week. By July 1909, some six to seven thousand movie theaters nationwide* (out of an estimated eight to ten thousand) had been licensed. That generated \$624,000 to \$728,000 annually in projector royalty revenues alone for the MPPC. As far as many observers could see, the MPPC's only expenditures were for office space, an office manager, a couple of stenographers, and the self-congratulatory circulars that the company mailed out regularly. One exhibitor seethed to a reporter, "As a collection agency I think the Motion Picture Patents Company is a grand success. It has the electric power companies beaten to a frazzle. Its one great aim is to get in the \$2 per week, and it scores every time."

In short order, many exhibitors became so enraged that they refused to fork over the \$2. In early May 1909, the MPPC dumped the royalty collection responsibility on film rental agencies, including Fox's Greater New York company, assuring them this was a favor that would allow them more flexibility in conducting their

business. The renters weren't fooled, only further annoyed because now they were the ones who had to confront the exhibitors' fury. Like many other renters, Fox decided to bear the cost himself rather than antagonize his customers.

MPPC having largely abandoned its obligations, With rushed independent companies in to exploit customer dissatisfaction. Chicago became the hub of this activity, with Carl Laemmle, future head of Universal Pictures, the most visible and vocal leader. A German immigrant whose previous career included farming in the Dakotas, clerking at a Chicago wholesale jewelry house, and managing a clothing store in Oshkosh, Wisconsin, Laemmle owned one of Chicago's largest rental exchanges. In early 1909 he'd signed on as an MPPC licensee, but in April he quit to form an independent production company tauntingly named IMP (Independent Moving Pictures Company). Thanks to his and others' efforts, by the end of 1909, the output of good, non-MPPC U.S.made films had increased so much that many exhibitors began to believe they had a viable alternative.

The MPPC reacted with denial and escalating force. Preposterously, MPPC president Dyer insisted in an October 1909 issue of *The Kinetogram*, the Edison Company's house organ, "There is a complete understanding between the manufacturers, exchanges and the exhibitors. The best of good-will and harmony prevails." In case that didn't fool anyone, and it didn't, the MPPC also hired detectives, gave them guns and star-shaped badges, and sent them out to destroy unlicensed producers' equipment, expose their film, and burn down sets. Many independent producers decamped to California, not only for the abundant sunshine, but also to elude MPPC enforcers.

Unable to stem independent film production, the MPPC declared war on film rental agency owners. As the middlemen between producers and exhibitors, they provided a conduit to market for unlicensed films. By early 1910, only a year after the licenses were granted, the MPPC had whittled its slate of film renters down from

one hundred twenty to sixty-nine, largely by license cancellation. (Some agencies went broke.) To finish off the remaining sixty-nine, in February 1910 the MPPC created its own film rental subsidiary, the General Film Company (GFC), to distribute movies made by the ten MPPC production companies. Doing business from Manhattan, the GFC began to knock off its competition by buying out businesses or having the MPPC cancel more licenses.

By late summer 1911, out of the one hundred twenty rental agencies licensed in January 1909, only one other than the MPPC's GFC remained anywhere in the United States: Fox's Greater New York Film Rental Company, which had about five hundred exhibitor customers.

At first, Fox thought the GFC would tolerate him on the sidelines. Relatively small as it was, his company couldn't cause much disturbance to the giant organization. The MPPC took a different view. Fox's company might be small, but it was small in the way of a fly buzzing around in a machine, persistently throwing off the perfect working order. For instance, whenever a GFC branch manager tried to raise prices, customers commented that they could transfer their business to Fox's company, which hadn't raised its prices. The GFC manager always had to back down.

MPPC executives got out their flyswatters. In September 1911, they had Fox's friend Percy L. Waters, the former owner of another successful New York City rental agency who had been one of the first to sell and who, in return, had been named the GFC's general manager, invite Fox to his office at 200 Fifth Avenue for a cordial chat. The MPPC had kindly left Fox for last, Waters explained, but now it was time.

"Waters, look here, I no more want to sell this business than fly off the roof," Fox snapped. Greater New York was relatively easy to run and was earning annual profits of \$60,000 to \$75,000.

Then, when Waters warned him that he might not get another chance, Fox understood. He didn't really have a choice. And maybe it wouldn't be so bad. He would still have his theaters. Waters called in his boss, GFC president Jeremiah J. Kennedy, to negotiate the price. Figuring Greater New York to be worth \$600,000 to

\$750,000 based on annual earnings, but aware that the GFC had paid other agency owners "ridiculously low figures," Fox asked for only \$150,000.

Out of the question, barked Kennedy, a former efficiency engineer who had developed a reputation as a "two-fisted, hairy-chested boss." The GFC would pay no more than \$89,000 for Fox's company—little more than a year's earnings. "Mr. Kennedy, if that is the best that you can do, of course I don't want to sell," Fox said. Kennedy retorted, "If your license is cancelled, Fox, don't blame me."

That was foolish, Waters chided Fox when they went downstairs afterward for a drink in the building's café. The GFC was a "great, big, gigantic wheel" and Fox merely a "small chip of wood" in its way. Waters warned, "Every time we meet you, we have got to run over you and crush you."

They soon began trying, first by spreading rumors among New York City theater owners that Fox was about to lose his rental license. Fearing an interruption in service, many of his customers transferred their business to the GFC, which temporarily lowered its prices as an added incentive. When Fox managed to hold on, Kennedy fulfilled his threat and, on November 14, 1911, sent Fox a notice canceling his license, effective at 8:00 a.m. on Monday, December 4, 1911. Fox had allegedly violated his contract by allowing MPPC films to be shown in a Hoboken, New Jersey, brothel. Fox knew nothing about that. Upon investigation, it turned out that an employee of one of his customers who was supposed to be returning the reels to the agency had been bribed to divert them. Fox sent an employee to the GFC to explain. No one wanted to listen. The only subject available for discussion was the sale of his rental agency.

For the next two weeks, Fox attempted to negotiate a better price. Kennedy stonewalled, refusing to accept or return his phone calls. Finally, on Friday afternoon, December 1, only three days before his scheduled contract cancellation, the GFC's "big chief" agreed to let Fox come to his office. Kennedy had previously offered \$89,000. Now, he said, to help the deal along, he'd give Fox

\$90,000.

Fox tried to push the price up to \$100,000. Kennedy refused. It was just plain meanness. The extra \$10,000 would have meant nothing to either the GFC or its parent company, the MPPC. Fox gave up. He agreed to sell his rental agency to the GFC for \$90,000, effective December 11, 1911.

Actually, Fox only appeared to give up. His conversation with Kennedy was a carefully planned trap.

As he was about to leave Kennedy's office, Fox turned to mention one more point. If his license were to expire as scheduled on Monday, December 4, then all his customers would receive no films for that week because the GFC wouldn't own the company until the following Monday. The customers would take their business elsewhere, quite possibly to the independents, and the GFC would end up having purchased "a pile of junk."

"That is so, son." Kennedy nodded. The next morning, Fox received a letter from the MPPC withdrawing his license cancellation. Soon, the rental agency sale contracts arrived.

Instead of signing, on December 7, Fox had his lawyer, Gustavus Rogers, phone Kennedy to tell him the deal was off. On December 8, Fox received another cancellation notice, this one effective at 8:00 a.m. on Christmas Day, 1911. No sale, no license.

Fox was quite happy to get that message. It was just the proof he needed.

On December 16, 1911, Fox's Greater New York Rental Company sued the MPPC. The two-hundred-plus page complaint alleged that the MPPC had been formed to stifle and suppress competition among film producers and to drive all independent film rental agencies out of business, with the ultimate goal of monopolizing the motion picture industry. The lawsuit had an important ulterior motive: it provided a platform for Fox to urge the federal government to take action against the MPPC.

Again, Fox's political connections served him well. To represent

him, he hired two fierce legal lions, both Tammany Hall loyalists: Samuel Untermyer, a longtime antimonopoly crusader who would soon serve as counsel to a landmark U.S. House of Representatives subcommittee investigating the "money trust," and Alton B. Parker, a former judge and the Democratic Party's unsuccessful 1904 presidential candidate. A highly theatrical presence inclined toward grandstanding, Untermyer wrangled an appearance in March 1912 before a U.S. congressional committee to testify against the MPPC. There, he described Fox as the "David" of small exhibitors—not exactly so, but useful for dramatic purposes—who was single-handedly fighting a brazen and ruthless giant. Untermyer also accompanied Fox and Gustavus Rogers to a meeting with U.S. Attorney General George W. Wickersham to lobby for antitrust prosecution. Expertly guided, Fox lodged his complaint against the MPPC.

Once again, Fox's timing was most fortunate. The Justice Department, spurred by President Taft, had recently undertaken a flurry of high-profile antitrust prosecutions. Trust-busting had started in earnest under Taft's predecessor, Theodore Roosevelt, and had accounted for a large measure of Roosevelt's tremendous popularity. Although he'd been Roosevelt's handpicked successor, Taft initially seemed like a pale imitation. "Takes Advice From Theodore," some joked. Even Roosevelt was disappointed, writing to a friend in June 1910 that Taft seemed "a rather pitiful failure."

Aware that he was in trouble with his public image and worried about the consequences for his 1912 reelection campaign, Taft fell back on antitrust as a crowd-pleasing issue. Here, sincerity meshed with expedience. Taft believed that the 1890 Sherman Antitrust Law was "one of the most important statutes ever passed in this country." He once told his brother Henry, a partner in a leading Wall Street law firm, "Wall Street, as an aggregation, is the biggest ass that I have run across."

Taft's attorney general, George W. Wickersham, felt even more strongly about the subject. Regarding trade monopolies as "evil," Wickersham insisted that the federal government had to intervene because "Only free men—not industrial slaves—can maintain free institutions." Wickersham would ultimately file some eighty antitrust lawsuits, nearly doubling in Taft's one presidential term the record of the two-term Roosevelt regime. Although privately Taft fretted that Wickersham had gotten carried away, publicly he supported him.

Still, the MPPC case couldn't have been an easy sell for Fox. It didn't fit the profile of the government's other antitrust cases, which so far had focused on industries either essential to commercial development (railroads, steel, oil, aluminum, shipping, cash registers, lumber) or central to average daily life (meat, sugar, tobacco, bathtubs, shoes, coffee, watch cases, plumbing supplies, window glass). No one had to go to the movies, and the national economy wouldn't fall apart without them.

Furthermore, the Justice Department in 1912 was in no shape to take on complicated new prosecutions. Even three years later, the department would have an annual budget of only about \$10 million, and that money had to cover the salaries of all U.S. judges, attorneys, and marshals. The attorney general's office had only about sixty staff lawyers, many of whom were young and inexperienced. Clerical functions suffered so badly that files were often left to rot in dark, dirty, overcrowded rooms where, according to a Justice Department investigator, "an electric searchlight is a necessary part of the equipment of one looking for documents." Straining such meager resources were other imminent priorities. For example, on April 30, 1912, after years of investigation, the Justice Department would file one of its largest and most complex antitrust lawsuits, charging the International Harvester Company and its twenty-four subsidiaries, altogether a \$140 million concern, with illegal restraint of trade.

Fox, however, knew how to get what he wanted against great odds. Essentially, he offered to do much of the government's job for it, providing all the necessary information and outside resources. It was an irresistible proposition. In the spring of 1912, shortly after Fox's meeting with Wickersham, the Justice Department began investigatory hearings that uncovered hundreds of cases of wrongdoing, and on August 16, it filed an antitrust suit against the

MPPC, its member film producers, the General Film Company, and eleven company officers. According to the government's petition, the MPPC had bullied its way into controlling 70 to 80 percent of the U.S. motion picture business and operated "to harass and oppress all persons engaged in the motion picture business who have not obeyed its mandate." In short, the MPPC and the GFC constituted illegal monopolies and ought to be dissolved.

The filing of the antitrust lawsuit dealt a staggering blow to the MPPC. Massive legal fees, bad publicity, and potentially death loomed for the organization. Edison must have been furious. He detested the Sherman Antitrust Law, which he said had been written by men who "didn't know pig iron from coffins," and planned to write a one-page proposed replacement law.

Fox could hardly celebrate this important step forward. Elsewhere, disaster had struck.

Madness and Murder

 $\mathbf{F}_{\text{ox's political protector}}$ and financial backer, Big Tim Sullivan, had gone mad.

Big Tim's symptoms first manifested in the summer of 1912, just as the U.S. Justice Department was preparing to file its antitrust prosecution of the MPPC. Convinced that devices had been hidden in walls, floors, and furniture to record his conversations, forty-nine-year-old Big Tim began to speak only in a whisper, and he developed paranoid delusions that people were trying to poison him with noxious gases or contaminated food. According to his doctor, he "had the face and bearing of a man living in constant terror."

A contributing cause may have been tertiary syphilis. That rumor gained ground not only because of Big Tim's oversight of New York City's prostitution business, but also because he had had a number of extramarital affairs. Psychological troubles also plagued him. Despite his façade of cheerful confidence, for years Big Tim's world had been falling apart.

The great man's downfall began in 1909 with a series of personal losses. During that year, Big Tim lost two family members who were among his strongest political supporters. Distant cousin Florrie Sullivan, leader of the powerful Eighth Assembly District, died in June from complications of a nervous breakdown. Then, on December 22, Big Tim's beloved cousin Little Tim Sullivan died at age forty. Officially, Little Tim was felled by a combination of the kidney ailment Bright's disease and endocarditis. However,

according to rumor, he, too, had suffered a nervous breakdown induced by political worries and large financial losses from a crooked stock deal. Little Tim's death was an especially hurtful blow. He had been Big Tim's closest friend and most trusted ally, and he was the person Big Tim had counted on to replace him when he retired from politics. At his Christmas 1909 feast, Big Tim looked around at the crowd and began to sob. He left in tears several minutes later.

Big Tim's political constituency had also started to crumble. As previously powerless immigrants began to pull themselves up into the middle class and gain a sense of their rights as Americans, public tolerance for crime and corruption eroded. Self-protectively, public agencies and institutions had to appear to respond to the call for law and order. To some extent, Tammany, helper of the helpless, had served its historical function so well that it was becoming obsolete. In the November 1909 municipal election, the organization suffered an unexpectedly crushing defeat. Despite the victory of its mayoral candidate, Judge William J. Gaynor, Tammany lost the Manhattan and Bronx borough presidencies and many other influential offices. Taking office, Gaynor broke ranks and cut back severely on patronage, sending a number of neighborhood Tammany clubs into serious financial trouble when they could no longer provide jobs for their followers.

Inevitably, Big Tim became a target. In September 1910, the Citizens Union put him on its "bad boy" list of state senators and recommended that he not be reelected. While it was nothing new for Big Tim to be attacked by "over-cultured, educated gentlemen," as he called them—the *New York Times* once condemned him as "a person who is simply not fit to be at large in a civilized community"—the Citizens Union was gaining credibility among average voters as a nonpartisan public-interest watchdog.

Then, on May 27, 1911, with more symbolic portent than reallife events usually offer, Dreamland, the Coney Island amusement park where Big Tim was a director and major shareholder, burned to a crisp. An early morning fire that began at the Hell Gate scenic railroad attraction spread quickly due to strong winds, destroying some two hundred buildings worth an estimated \$3–\$4 million. The park's architectural beacon, a 370-foot-tall white-and-gold, French Renaissance–style tower lit by a hundred thousand electric bulbs, burned like a torch for five or ten minutes, then wavered and collapsed into a steaming saltwater lagoon. Simultaneously, the Dreamland Pier crackled down to its steel foundations. Amid the chaos, the park's resident employees ran away with cash registers and stacks of souvenirs, while wild animals went berserk. Black Prince, a large lion, broke loose from his restraints, was riddled by police bullets, and ran with his mane aflame toward some painted scenery of Africa. There, after a policeman split his skull in two with a fire axe, he got hacked apart by souvenir scavengers.

By dawn, Dreamland was in ruins. Insured for only \$400,000, it would never be rebuilt, a massive loss for Big Tim.*

A year later, one of the most shocking events in New York City history destroyed the remains of Big Tim's sanity.

Moments before 2:00 a.m. on Tuesday, July 16, 1912, small-time gambling house owner Herman Rosenthal was murdered on the busy, brightly lit sidewalk outside the Metropole Hotel* on Forty-Third Street between Broadway and Sixth Avenue. As Rosenthal left the hotel, where he'd been having a late dinner, four gunmen leapt out from behind the doorway shrubbery, blasted four or five shots at him, then ran away and drove off in a large, slate-colored Packard. Hit twice, Rosenthal screamed, threw up his hands, stumbled backward into the hotel door, crashed facedown onto the pavement, and died.

The brazenness of the crime outraged the city, especially because evidence pointed overwhelmingly to a Police Department conspiracy. Two weeks earlier, Rosenthal had started providing information about police corruption to District Attorney Charles S. Whitman, a Republican who had been elected by a landslide on the anti-Tammany Fusion ticket in 1909. Rosenthal wanted revenge: he believed that his partner in the Midtown gambling den the Hesper Club, police lieutenant Charles Becker, had betrayed him by staging a raid and causing his arrest in order to please the police commissioner. Rosenthal had been scheduled to testify before a

grand jury at 8:00 a.m. on July 16. He was killed six hours before.

Officially, Becker would be held responsible. Convicted of first-degree murder in October 1912 for hiring the four gunmen, he would die in the electric chair on July 30, 1915, at Sing Sing Prison, the first U.S. police officer to receive the death penalty for murder. Becker always denied any involvement in the crime and denied even having had a stake in the Hesper Club. While it's highly unlikely he was completely clean, evidence suggests that it may have been Big Tim Sullivan who masterminded Rosenthal's murder.

Big Tim had a lot to lose from Rosenthal's testimony. Over the years, he had loaned thousands of dollars to Rosenthal, including \$12,500 to equip the Hesper Club, and had helped shield Rosenthal from arrest. Big Tim's brother Patrick was president of the Hesper Club. According to Becker,* Big Tim was "worried to death" that a grand jury investigation of police corruption would reach into election fraud and ruin him. Also according to Becker, Big Tim offered him \$25,000 to silence Rosenthal. Plausibly, Big Tim contracted the murder to Becker, who subcontracted it to Lower East Side gangsters.

Big Tim certainly acted as if he had a tormented conscience. He had been complicit in many crimes before, but never, apparently, murder. In late September 1912, some two months after the killing, Big Tim entered a mental hospital, Dr. G. F. M. Bond's Sanitarium, at 960 North Broadway in Yonkers. Although some suspected that this was a ruse so he could avoid interrogation, his longtime physician, Dr. Herman Reis, insisted that Big Tim truly was ill and needed to be "kept away from influences or persons that could possibly remind him of things that have passed which he wishes to forget." Big Tim had reportedly lost 60 pounds from his former 220-pound frame.

Old friends who visited Big Tim at Dr. Bond's Sanitarium brought back stories of a haunted, ruined man: Big Tim staring out of a screened second-floor window or mumbling prayers and pleading for forgiveness; Big Tim jammed into a "restraining sheet," which was a modified canvas straitjacket laced up at the back like a corset; Big Tim tied to his bed for an hour or more at a time.

Tammany tried to revive Big Tim's spirits—and get him out of town—by having him elected to Congress from the Eighth District in November 1912.* Still confined to Dr. Bond's Sanitarium, Big Tim was unable to campaign or even vote for himself. He won by a landslide.

Big Tim's illness nearly ruined Fox's plans. In early 1913, as costs escalated unexpectedly, he found himself \$400,000 short on his two biggest construction projects to date, the \$2.5 million Audubon and the \$650,000 Crotona in the Bronx. It was "absolutely impossible to borrow money," Fox would recall. Although he never explained the reason, the timing is strongly suggestive. Big Tim, locked up at Dr. Bond's Sanitarium with his arms in a straitjacket, could not reach into his pocket to help Fox. Unless Fox paid his contractors, "all of the work I had was to be destroyed. If I didn't find the money, my career was at an end."

Fox soon learned a lesson that would stay with him, mostly, through the rest of his film career. Less than two weeks before the due date of the last round of construction bills, the plaster contractor showed up at Fox's office saying he was broke and needed money. Fox thought he wanted an advance on his remaining payment, but the plasterer didn't want cash—just a four-month promissory note against which he would be able to borrow elsewhere. Fox recalled, "I felt as if there was no ceiling over the room I was sitting in. I didn't know where he was going with this note, but I didn't care as long as he gave me a receipted bill."

Soon after the plasterer's visit, most of the other contractors on the two projects also called on Fox to ask for a similar arrangement. As a result, Fox was able to defer his entire \$400,000 obligation for four months. The Audubon and the Crotona got finished and opened successfully. The course of events remained a mystery until one contractor called on Fox and asked him if he knew Mr. Walker, the president of the Colonial Bank. Yes, Fox said. Walker was the banker who'd thrown him out of the office when he hadn't been able to find Big Tim's friend Mahoney to renew a note on the City

Theatre building project. The contractor suggested that Fox visit Walker again.

This time, Walker received Fox cordially and asked about his business. Fox explained that the four-month notes from the contractors were about to come due and he still didn't have the money to pay them. Where were the notes? Walker asked. Fox didn't know. Walker rang a bell, and a young man brought in an envelope. "Here are \$250,000 worth of those notes. I knew you were in trouble and sent those contractors to you," Walker said. "The other \$150,000's worth are with the Nassau Bank."

Why had he done that? Fox asked.

Walker explained, "Anybody that will come in here and fight as hard as you did to keep his name from going to protest, I consider a darn good risk and I wasn't going to let you fail. Take your time, and pay it back when it is convenient for you to do so."

Within a year, Fox had paid off the entire debt.

As long as he relied on personal integrity, Fox realized, he could survive without Big Tim.

It was a lesson learned just in time. Big Tim did not last much longer. Released from Dr. Bond's Sanitarium in late March 1913, he never recovered sufficiently to take his seat in Congress. Instead, he went to live with his brother Patrick, on Eastchester Road in the Williamsbridge section of the Bronx. Escaping occasionally from the male nurses whom Patrick had hired to watch over him, Big Tim rode taxis around his old Broadway and Bowery neighborhoods. Once, he hopped a freight train. Another time, he was found wandering around the Hudson River docks. When a month-long trip to England in mid-1913 failed to restore him, he returned to his brother's home and remained in seclusion under round-the-clock care.

Finally, Big Tim's mental instability became too risky. With frosty efficiency, Tammany permanently discarded its former stalwart. In the early morning of Sunday, August 31, 1913, wearing a hat with a nametag that read "F. J. McClosky," Big Tim got run

over by a freight train on the New York, New Haven and Hartford Railroad just north of Pelham Parkway near Westchester, New York. The impact cut him in two. Several observers insisted that Big Tim, dressed in a tailor-made salt-and-pepper gray suit and a white shirt with black stripes and diamond-studded gold cufflinks, had been dead before the accident. According to the train conductor, no steam or vapor arose from the body, as usually happened when a live person was run over. Still, no autopsy was performed, and the death was officially ruled an accident.

For an astonishing thirteen days, traveling among three morgues, Big Tim's body remained unidentified. He was in a plain pine box on his way to Potter's Field for an anonymous burial when a policeman, opening the coffin lid to take a last look as required by law, recognized the face from newspaper photos. "Why, it's Big Tim!" he shouted. "Big Tim!"

Murder followed by a cover-up? Probably. At an official inquiry into the coroner's system in November 1914, two medical experts speculated that Big Tim had been walloped on the back of the head with a blackjack (an instrument favored by professional hit men because it usually left no outward mark), slugged with a sandbag,* or poisoned before being dumped on the railroad tracks. As for the official ruling of accidental death, the New York City Coroner's Office was notoriously corrupt.

Without a foul play scenario, Big Tim's near fortnight of anonymity becomes incomprehensible. "Why, even the dogs in the streets know him," his half brother Larry Mulligan protested. In its rounds of the morgues, the body had been viewed by hundreds of people, some of whom had known Big Tim well for years. Although covered with dust, his face had remained virtually unscathed. At the very least, the name in the hat should have provided an easy clue: Francis J. McClosky had been one of Big Tim's caretakers on the night of his death. Ironically, Big Tim was saved from his worst fear, eternal anonymity, by the one characteristic he detested most in a police officer: honesty. The patrolman who recognized him was a twenty-year veteran with a clean record.

Despite his sad demise, Big Tim got a hero's funeral.* The event

taught Fox another valuable lesson. To the mass audience, heart appeal was all that really mattered.

A crowd estimated at 75,000 to 100,000—the people from whom Big Tim had stolen but whom he had comforted and entertained—turned out in the streets in tears to watch his final journey. Pallbearers carried his mahogany coffin, covered with three thousand American Beauty roses and two thousand white chrysanthemums, from the Timothy D. Sullivan Clubhouse at 207 Bowery to the St. Patrick's Old Cathedral on Mott Street. Mourners included "politicians, prizefighters, Judges, saloon-keepers, actors, and gangsters," and they were not only Big Tim's fellow Irish Americans but also people of German, Italian, French, Scandinavian, Chinese, Spanish, and Turkish descent. After a one-hour requiem Mass, Big Tim was buried in Calvary Cemetery in Queens alongside his beloved cousin Little Tim Sullivan.

For Fox, it had taken nearly five years for the world to spin back on its proper axis. The same suppressed rage that had erupted when the MPPC pushed him too far seized him again. In January 1913, after Big Tim's relatives had him officially declared incompetent and took control of his estate, Fox stopped paying rent on the Dewey and Gotham Theatres. Shortly afterward, he abandoned both theaters because of their physical condition. When Big Tim's conservators sued on behalf of Sullivan & Kraus to recover the overdue rent of \$3,641, Fox spoke up publicly for the first time about his former landlords' dishonesty. Charging that Sullivan & Kraus had defrauded him by passing off the Dewey as legal when it had always been "illegal and unlawful," he claimed that the firm had obtained its licenses and building permits through "connivance, fraud, and collusion" with corrupt city officials.*

After Big Tim's death in August 1913, Fox repudiated the whole Sullivan clan. Big Tim had owed Fox \$31,554 from a loan he never repaid, and although Fox had gotten a court judgment in his favor, the executors, who were Big Tim's brother Patrick Sullivan and his half brother Larry Mulligan, stalled on repayment. Admittedly, Big

Tim's estate was a chaotic jumble. He'd made a wide range of investments—in addition to his theater concerns, he'd had financial interests in a construction company, a racetrack, a cemetery, a Philadelphia bus company, and the Maryland State Fair Association—but he hadn't kept any books or financial records and had left scarcely any notes about the deals. Further complicating the picture, alleged creditors filed a flood of claims against the estate. Some were probably fraudulent; many were rejected, and those claimants immediately sued. And then there were the questionable heirs who needed sorting out. These included a vaudeville showgirl who claimed to be Big Tim's adopted daughter but probably wasn't, and a seventeen-year-old girl who claimed to be his biological daughter and probably was.*

Knowing the Sullivan style all too well, Fox suspected that Larry Mulligan and Patrick Sullivan were siphoning off the estate's assets and planning to address his claim only when there was no money left to pay it. By May 1914, Mulligan and Sullivan had whittled the estate's value from an estimated \$2 million to \$970,000. Fox had Mulligan and Sullivan arrested and placed in the custody of their lawyer until they filed an accurate inventory of assets. Then he hired a private detective, who trailed Mulligan to the Empire City racetrack and found him soliciting bets in front of the grandstand. With that information, Fox got an injunction preventing either Mulligan or Sullivan from spending any of Big Tim's money without the permission of a court-appointed receiver. By 1915, Fox finally had his loan money back, but as late as 1922, he would still be involved in other litigation against Mulligan and Sullivan.

The five years Fox had spent yoked to Big Tim changed him profoundly. He lost a large part of his optimism: the boy who once believed there were no mean people in the world now knew how cruel and corruptible others could be. Never again would he be willing to share power.

Yet, like Big Tim himself, who stole with one hand and gave freely with the other, Fox's apprenticeship to him conferred ample benefits. Because of Big Tim, he had been able to build several landmark movie theaters in New York City and had started to expand regionally. He had also forged a number of important business connections, especially with lawyers Gustavus Rogers and Samuel Untermyer. Perhaps most importantly, Big Tim had given Fox the opportunity to study at close range one of the greatest showmen of his time. With flair and humor, drama and passion, Big Tim had touched the hearts of his followers so deeply that, in the end, their love for him covered all his sins. This was the same audience that Fox would seek for his movies. As a film producer, he would in many ways emulate the best of Big Tim Sullivan's instincts.

Justice

As Fox dealt with the consequences of Big Tim Sullivan's deteriorating mental state, he simultaneously took on a central role in the U.S. Justice Department's antitrust lawsuit against the Motion Picture Patents Company. In January 1913, six months after Herman Rosenthal's murder and seven months before Big Tim's death, pretrial hearings began at New York's Hotel McAlpin. During this critical phase of the case, the purpose of which was to gather evidence and lay out the claims of both sides, Fox testified for the prosecution, recruited other witnesses, and helped finance an investigation that generated massive amounts of useful information.

Assigned to prosecute the case, thirty-six-year-old assistant attorney general Edwin P. Grosvenor came from the opposite end of the social spectrum from Fox. He was a cousin of President Taft and the twin brother of *National Geographic Magazine* editor Gilbert Grosvenor, who was Alexander Graham Bell's son-in-law, and he had finished Columbia University Law School at the top of his class of four hundred. Nonetheless, aware that he didn't know much about the motion picture industry, Grosvenor welcomed Fox's participation. Reciprocally, Fox remained discreetly in the background, stepping forward only when called upon, so that Grosvenor and Attorney General Wickersham could claim full credit.

Of course, the MPPC knew that Fox was the principal instigator, and it attacked him mercilessly. Seeking to discredit his testimony,

J. J. Kennedy, president of the MPPC's General Film Company subsidiary, portrayed Fox as one of his worst customers, a liar and a cheat who had routinely violated his contract. As for Fox's claim that the MPPC had canceled his rental exchange's license because he refused to sell the company to them, Kennedy dismissed that as a vile fabrication. In fact, Kennedy alleged, the GFC never wanted Fox's exchange. To the contrary, he said: Fox had approached the GFC, lied about the condition of his company, and unloaded it on the GFC for \$90,000. Upon learning the truth, Kennedy said, the GFC backed out of the deal.

Behind the scenes as well, the MPPC continued to try to ruin Fox. About a week before he was scheduled to begin testifying at the pretrial hearings, the MPPC again canceled his rental exchange's license. In addition to losing revenue from his customers, Fox faced the prospect of having nothing to show at his fourteen theaters, which depended on MPPC films because they were still the best ones around. He appealed to Grosvenor, who got a court order requiring the MPPC to supply Fox with films pending resolution of the antitrust lawsuit.

Next, the MPPC tried withholding its "special releases." Very popular with exhibitors, these were usually two- and three-reel films covering topical events such as former president Roosevelt's hunting trip to Africa. Not only did the MPPC refuse to deliver specials to Fox's exchange, but when theater owners doing business with Fox tried to rent them from the GFC, they got turned down. GFC employees told Fox's customers that they could get the specials only if they canceled their contracts with Fox and shifted all their business to the GFC. Again, Fox turned to Grosvenor, who brought the MPPC manufacturers into line by threatening them with further government action.

The MPPC was not so easily thwarted. Biograph, widely considered the most important of the ten licensed film manufacturers, kept slipping back into bad behavior, withholding film deliveries. Fox would go to court to get an injunction; Biograph would comply for a while and then stop the deliveries again. His customers' patience frayed. They liked Fox, but could suffer only so

much. "Personally I would not care if such [Biograph] pictures never existed, as I am ignorant of their attractiveness but the patrons demand them and I receive inquiries every day asking why I don't show them," the manager of a second-run theater in the Bronx wrote to Fox, explaining why he might have to stop renting from Fox. "Sincerely regretting that I have to take this course . . ." Other MPPC manufacturers devised other means of sabotage, suddenly requiring Fox's rental exchange to pay cash, allegedly for fear of bad credit; making late deliveries; and shipping defective copies of films. Fox suffered not only as a film distributor but also as an exhibitor. Poor-quality films, or none at all, were an embarrassment in the large, lavish theaters he was building.

The tension wore on him. During pretrial cross-examination, he squabbled frequently with the opposition and occasionally exploded. When an MPPC lawyer threatened to have him punished for not giving a straight answer, he shouted back that they wouldn't be able to do so quickly enough to suit him. At times, he reverted from polished speech to the rough locutions of his Lower East Side childhood. "He is an officer, ain't he?" he said, and "I seen Mr. Kennedy . . . " and "That is what he done."

Yet, Fox stayed the course and fought back in the marketplace. In the spring of 1913, he won an important victory for exhibitors. Challenging the MPPC's rule prohibiting licensed exhibitors from showing independent films, a contract stipulation that had ensured an exclusive market for the MPPC's manufacturers, Fox signed a contract to have Kinemacolor projection equipment installed in all his theaters. Kinemacolor was a rudimentary "color" technology where black-and-white film was photographed and projected behind alternating red and green filters. After ensuring that Grosvenor would back him up, Fox told the MPPC, "Gentlemen, you can all do your worst, I am going to run Kinemacolor." On July 10, 1913, the MPPC and GFC backed down, issuing a bulletin advising licensed theaters that they could show independent films without the threat of license cancellation. That was the first step toward an open market for the motion picture industry.

Fox also continued to pour money into the antitrust case. As

Gustavus Rogers told *Variety* in July 1913, about halfway through the pretrial hearings, "The expense of litigation . . . is being borne exclusively by Fox, with the U.S. Government as an ally." According to Rogers, Fox had by then incurred about \$500,000 in legal expenses and business losses as a result of the case.

Pretrial hearings lumbered on until late 1913, enduring a number of interruptions because prosecutor Grosvenor was simultaneously working on the International Harvester case. Then, a series of harsh blows fell. In December 1913, Grosvenor announced plans to leave the Justice Department on January 1 to reenter private practice. Although he promised to come back to finish the MPPC case, there was good reason to doubt the strength of his commitment. He was joining a firm of Wall Street corporation lawyers. Then, on December 26, 1913, Fox's civil suit against the MPPC, the one that launched the antitrust prosecution, died. A New York state appeals court dismissed the case, affirming a trial court ruling of ten months earlier that the MPPC contract terms did not constitute illegal restraint of trade. That decision implied doom for the government's antitrust case.

Adding to Fox's distress, the MPPC's lawyers repeatedly won postponements of the trial date. The more time that passed, the more likely it was that witnesses would forget or stop caring about the case. Ironically, the MPPC could even use Fox's own money to fight him. Since the organization's inception in 1909, he had continued to pay the \$2-a-week projector royalties—and that money had been designated in part as a legal defense fund. By December 1911, as a licensed exhibitor and as an exchange owner who paid the fees for his customers, Fox had already sent in about \$30,000 in projector royalties. On an ongoing basis, the MPPC had not only Fox but several thousand more theater owners nationwide who would have to continue to subsidize its cause.

While waiting for the antitrust case to go to trial, Fox worked with what he had in hand: his reputation as a leader, his organizational skills, and his tireless energy. In mid-1914, he formed a nationwide organization that he hoped would unite all movie companies outside the MPPC to work together to fight the trust. After paying to draw up a charter and incorporate the National Independent Motion Picture Board of Trade, he mailed out letters to every U.S. independent manufacturer and distributor as well as every U.S. theater owner, pleading with them to join. He also took out full-page trade publication ads titled "Time to Get Together," and even offered to help with hotel reservations so that out-of-towners could attend the group's first meeting in New York on August 29, 1914.

The idea didn't work. Right away, Carl Laemmle, who had relocated from Chicago to New York and who was himself forming an amalgamation of independent manufacturers, accused Fox of posturing as "the Moses of the business" and of pursuing his own self-interests under the guise of altruism. Similarly, an unnamed exhibitor groused to a reporter, "Let those who have certain grievances pull their own chestnuts out of the fire."

Only fifty to one hundred people showed up for the first meeting of Fox's Motion Picture Board of Trade at the Hotel McAlpin—a dismal result, considering the many thousands of potential members nationwide. Addressing the sparse gathering, Fox lapsed into selfpity. "Don't you know that if I had lacked courage . . . not a single man in this room would have been in business to-day," he complained in his keynote speech. "And yet none of you who are present did anything to help me either financially or even wrote me giving me your moral support. I have determined . . . that it is your duty, even at this late day, to come in so that we might act in a united fashion."

They didn't listen. The Board of Trade never developed sufficient power to take any noteworthy action, and it quietly faded away. The failure of his colleagues to support him wounded Fox. He saw himself as fighting for their interests and couldn't understand why they resisted this rather minimal call for assistance.

He did have some consolation. At least he wasn't the only one suffering. By 1914, the other side had also been overtaken by a gloomy mood. At the General Film Company offices at 200 Fifth

Avenue, *Variety* reported, "The clerks speak in whispers and the minor heads of departments move around on noiseless roller skates, with occasional furtive glances to see who is watching and checking their movements."

On December 8, 1914, the *United States v. Motion Picture Patents Co.* antitrust case finally went to trial. One day later—as it had three and a half years earlier, when the Dreamland amusement park fire augured the downfall of Big Tim Sullivan—fate sent a prophetic message. Around 5:30 p.m. on December 9, a thunderous boom sounded throughout the Edison plant in West Orange, New Jersey. In a motion picture film storage room, reels of highly flammable nitrate film had exploded by spontaneous combustion, unleashing a "roaring inferno" that destroyed nearly three-quarters of the manufacturing and experimentation facilities within twelve hours. After it was over, Edison's son Charles surveyed "a smoldering jumble of blackened foundations and concrete skeletons." At least, thanks to well-practiced fire drills, there was only one fatality: the following morning, a man's corpse would be found with a melted fire extinguisher under his arm.

At work in his old redbrick laboratory, which remained undamaged, sixty-seven-year-old Edison had rushed out to try to help fight the flames. A short time later, discouraged and disheveled, he stood in the doorway, "his white hair tossed by the December wind," and just watched. His face showed little emotion. He told reporters he planned to "start all over again tomorrow."

Yet Edison had little with which to start over again. Of more than \$2 million in damage, only \$268,000 was covered by insurance. Edison hadn't bothered to take out policies on all his concrete buildings and even some wood frame ones because he had considered them—somewhat like the MPPC—the last word in modern scientific construction, completely fireproof.

In the austerely furnished courtroom of U.S. District Court judge O. B. Dickinson in the Federal Building in Philadelphia, the MPPC

antitrust trial lasted four days. Prosecutor Grosvenor made good on his promise to return to the case. He brought with him an impeccable trial record: during his entire time with the attorney general's office, the government hadn't lost a single antitrust case in which he'd participated.

Grosvenor—whom MPPC lawyer Frank Dyer had once derided as "absolutely fanatical" and dimly informed—hit upon the pertinent issues. While the MPPC argued that it had an inviolate right to use its patents however it wished, Grosvenor highlighted the "rule of reason"* and portrayed the MPPC as a deliberate monopoly that practiced both subjective and objective restraint of trade. Subjectively, the ten licensed manufacturers suppressed competition among themselves, Grosvenor alleged, and objectively, they harmed exchange owners and exhibitors through arbitrary, oppressive, and arrogant action. Grosvenor emphasized the enormous financial harvest reaped by the MPPC: during its first year, its GFC subsidiary had taken in at least \$2 million in profits.

When the trial ended on December 11, 1914, no one expected a speedy decision. Although Judge Dickinson was known as a quick study, the testimony, exhibits, and briefs added up to 4,235 printed pages, including much abstruse technical information.

Whatever one felt, Fox believed, one had to project confidence. Six days after the trial ended, he filed a "triple damages" lawsuit against the MPPC that assumed the government would win the antitrust case. Fox's action was based on provisions of the Clayton Antitrust Act, which President Wilson had signed into law on October 15, 1914, as a claw-sharpening amendment to the Sherman Law. (Fox had sent Gustavus Rogers to Washington to lobby for the legislation.) The Clayton Act allowed individuals harmed by proven antitrust violations to sue for triple damages plus attorneys' fees—and, crucially, to use a successful antitrust prosecution as prima facie evidence of an illegal combination.* Fox claimed losses of \$600,000 and therefore asked the court to award him \$1.8 million. Of course, the new lawsuit would have to remain on hold pending

the outcome of the antitrust case.

The decision finally arrived on October 1, 1915. It was just what Fox had hoped for. Judge Dickinson ruled that the Motion Picture Patents Company and its General Film Company subsidiary were illegal monopolies and ordered them disbanded. At Dickinson's request, Grosvenor drafted the dissolution decree—with help from Gustavus Rogers, whom Edison patents lawyer George F. Scull suspected of having inserted several veiled clauses intended to benefit Fox.

It was a crucial victory, but not a final one. The MPPC announced that it would appeal and, if necessary, carry the case all the way to the U.S. Supreme Court.

Fox now began to doubt himself. He had been tied up in this war for nearly four years, and there was no telling when or how it would end. One evening in January 1916, an MPPC lawyer called to present a settlement offer on Fox's triple-damages lawsuit. Under pressure from Gustavus Rogers, Fox accepted. The three worked on the agreement until six the next morning. In exchange for dropping his \$1.8 million lawsuit, Fox would receive \$300,000 from the whole MPPC organization and another \$50,000 from the GFC for his film rental agency and all its stock.

It was a mistake. Although Fox didn't know it, MPPC leaders privately conceded that he had a good chance of winning his triple-damages lawsuit. Indeed, he would have won. Upon hearing of the settlement agreement, an appeals court judge assigned to the case told Fox that the court had been ready to decide unanimously in his favor. Furthermore, the MPPC's appeal on the antitrust case failed. On April 10, 1917, the U.S. Supreme Court upheld Dickinson's decision and called the MPPC "a potential power of evil over an industry in the amusement life of the nation." The combination was finally, irrevocably, dead.

As for Edison, he got out of the feature film business in the spring of 1918 when he sold off his studio, including the equipment, at 2526 Decatur Avenue in the Bronx as well as the equipment at the Edison Positive Film Plant in Orange, New Jersey. Then he tried to forget all about the MPPC misadventure. In

published reminiscences, he doesn't mention one word about the battles with Fox or about the government's antitrust lawsuit. Instead, he claims he lost interest in motion pictures: "When the industry began to specialize as a big amusement proposition I quit the game as an active producer."

Fox has never gotten full credit for his role in dismantling the Motion Picture Patents Company. Most film historians, after noting the importance of his December 1911 lawsuit in calling attention to the issue, primarily acknowledge the Justice Department's prosecution, the rise of independent film producers, and/or the MPPC's many internal weaknesses. All those factors certainly played a vital role.

In fact, though, the MPPC fell apart largely because of Fox's campaign against it. Right away the Justice Department's antitrust lawsuit, instigated by Fox, aggravated tensions among the MPPC's members, further polarizing them and distracting them just when they needed to pull together. They squabbled over money—nobody wanted to pay steep legal fees—and strategy. Annoyed, Thomas Edison grumbled, "It would be better to throw the whole thing to the dogs and be free." Some of the licensed manufacturers even considered renouncing their licenses and joining the independents to fight the MPPC. Although that didn't happen, the next few years of litigation sharpened internal resentment by draining resources of money and energy and by keeping the MPPC in the crosshairs of a largely hostile trade press. The organization became so badly demoralized that most of the licensed manufacturers and even the GFC stopped paying royalty fees to the parent company. By the fall of 1916, a year after Judge Dickinson's decision, Edison Company general manager C. H. Wilson privately acknowledged that the GFC was moribund.

Perhaps the strongest evidence of Fox's pivotal role in destroying the MPPC came from the MPPC itself. At the end of the antitrust trial in December 1914, while delivering his closing argument, MPPC attorney Reuben O. Moon kept looking over at the

prosecutor's table, where Gustavus Rogers sat alongside government prosecutor Grosvenor. Then, "with a rising inflection in his voice," Moon charged that Fox, and not the U.S. government, was the real plaintiff in the case. In "ringing tones," Moon exclaimed that his clients had "become obsessed" with this "cruel suspicion . . . because Fox's lawyer is in court conferring with Mr. Grosvenor and has been present at every hearing and at every step taken in the case since its inception."

The end of the MPPC opened a new chapter in film history. Now, anyone in the United States who wished to make movies could do so legally. Thanks largely to Fox, the foundation had been laid for the American movie studio system.

It had all been so wasteful. Fox had spent several years fighting the MPPC, time that could have been spent building his business and advancing the motion picture industry. He had also suffered financially, recouping from his triple-damages lawsuit settlement just slightly more than half the losses he'd incurred. He was angry—but also proud of himself and of his country. American justice worked. In a full-page trade publication ad, he boasted, "I fought in the United States Courts and won."

Independence

The viciousness of the MPPC antitrust fight impelled Fox to make

the most important decision of his career. No longer willing to endure bad service and the constant threat of contract cancellation from the production companies that supplied movies to his businesses, he realized he needed to sever those ties completely. In January 1914, after the pretrial hearings had ended and while waiting for the trial to begin in December, Fox started the Box Office Attraction Company (BOA) as a combined independent distribution and production company.

He intended first to build BOA up as a leading nationwide chain of branch rental exchanges, and then to begin making movies. The market looked highly promising. In 1914, the United States had about eighteen thousand movie theaters with a combined annual revenue of \$300 million, and since the previous July, thanks to the confrontation he had provoked over Kinemacolor, the MPPC had allowed its licensed exhibitors to show independent films. By the summer of 1914, Fox had opened BOA film rental offices in fifteen North American cities.

There was a lot to learn. He had planned to deal mainly in European feature films, but he soon discovered that foreign manufacturers were willing to send only their worst junk to the United States, films they apparently didn't dare try to foist onto their home audiences. Out of every twenty foreign features submitted to him, only two or three were acceptable, and those few

proved virtually impossible to market because of the reputation of all the rest. Often, European producers simply slashed the price of their films until someone picked them up, so that the average American theater owner had come to view all foreign movies as garbage. "Most of the exhibitors do not see the picture before it is rented. They ask, 'foreign?' and if the answer is 'yes' they decline it," Fox explained. By July 1914, he decided to drop all foreign films. Because his handful of American suppliers (companies such as Nemo, White Star Features, and the Balboa Amusement Producing Co.) were too small to provide sufficient volume, Fox realized that in order to stay in the film rental business, he'd have to start making movies himself.

While Fox knew next to nothing about feature film production, at least no one else in the United States knew much more. Carl Laemmle, who had recently changed his company's name from IMP to Universal Films, was still producing only short films. The Warner brothers, headquartered in the same building as Fox at 130 West Forty-Sixth Street, had made their first movie, *Peril of the Plains*, in 1912. Jesse L. Lasky and his brother-in-law Sam Goldfish (who would change his name to Goldwyn in December 1918), partners in the Jesse L. Lasky Feature Play Company, had begun filming Hollywood's first feature film, the six-reel *The Squaw Man*, in December 1913, only one month before Fox started BOA. Adolph Zukor had founded Famous Players Film Company in 1912.

As he contemplated moviemaking, Fox's sense of a special calling deepened. In building his theater chain, he'd wanted (in addition to making money) to brighten the lives of ordinary working people by offering entertainment in a pleasant, clean setting. He hadn't given much thought to what they were watching. Now he decided he wouldn't present any entertainment that he didn't want his wife and daughters to see. "It became with me a sort of ideal . . . I felt a strong obligation that was mine that if a man, woman, or child were going to buy a ticket to enter my buildings, I was responsible for their welfare while they were in that building." He also thought about the other exhibitors who would rent the films he made. He was especially interested in helping those who were

struggling financially, as he once had. He believed he had "a mission to perform for the less luckily situated showman no less than for the satisfied individual."

If Fox, then thirty-five, knew little about making movies, his thirty-year-old second-in-command, BOA general manager Winfield R. Sheehan, knew even less. Sheehan had no experience at all in the movie business or in any other creative field. Instead, the boyish-faced, blue-eyed, fireplug-shaped Sheehan came from a background of city government and journalism.

The son of a prosperous Irish immigrant dry goods store owner in Buffalo, New York, Sheehan had started work as a teenage reporter for the *Buffalo Courier* and then had gone to New York City to cover the police beat and local politics, first for the *Journal* and *American* and then the *World*. Shrewdly ambitious, he ingratiated himself with Tammany Hall denizens and moved up quickly by delivering Rhinelander Waldo, a wealthy but naïve former army officer who was willing to serve as window dressing for the corrupt local regime. After Tammany mayor William Gaynor named Waldo as fire commissioner in 1909, Waldo hired Sheehan as his private secretary. When Waldo advanced to police commissioner the following year, Sheehan went along with him. It wasn't much of a job: Sheehan's official duties consisted mainly of opening Waldo's mail, seeing visitors, and supervising one employee—the janitor.

Fox later explained that he hired Sheehan because they had become "close and fast friends." The two had traveled together to Havana, Cuba, in January 1912, although it's not clear what they were doing there. It was a curious friendship. They had almost nothing in common, especially not personal values. While Fox was at heart an old-fashioned moralist who believed in the family as the stabilizing center of society, Sheehan favored fast, flashy, disposable relationships with showgirls. He drank heavily, told off-color jokes, and had an oily personality—"a stogie-puffing leprechaun," director Raoul Walsh would later comment.

Sheehan also reveled in the dishonesty that Fox had endured so

uncomfortably with Big Tim Sullivan. Since his newspaper days, Sheehan had been friendly with many of the city's most notorious evidence strongly gangsters, and suggests that Police Commissioner Waldo's private secretary, he became a kingpin in a graft scheme that raked in an estimated \$2.4 million annually. Reportedly, while Waldo looked the other way, Sheehan joined with three high-ranking uniformed police officials to centralize and systematize the previously random extortion practices of many on the force. Reportedly, gambling house and brothel owners who wanted to buy immunity from arrest now had to visit a lawyer named George C. Norton, who told influence-seekers that he represented Sheehan. In frequent contact with dangerous characters, Sheehan used as a bodyguard "an election gorilla . . . a heavy set fellow with a bulldog face."

Sheehan was even implicated in the July 16, 1912, murder of gambler Herman Rosenthal, the event that destroyed the last of Big Tim Sullivan's sanity. Rosenthal had told friends that in testifying to the grand jury about police corruption, he intended to expose Sheehan, a one-time friend who had betrayed him by refusing to help after his gambling club was raided. On the night that Rosenthal died outside the Metropole Hotel, on Forty-Third Street, a large gray car very similar to the one driven by the gunmen showed up at Sheehan's apartment building at 321 West Fifty-Fifth Street. Four men—there were four killers—rushed in and excitedly demanded to see Sheehan. Told by the elevator attendants that Sheehan had gone to visit his mother in Buffalo, the quartet became angry and fled.

Although Sheehan was called before a city committee investigating police corruption in the fall of 1913, Tammany Hall circled the wagons, and he was never charged with any crime. Instead, under pressure, he and Waldo resigned, effective December 31, 1913. Sheehan didn't miss a day's pay. On January 1, 1914, he started work at BOA, which came into existence that day.

Sheehan now drew \$100 a week, a significant boost from his \$75-a-week Police Department paycheck and more even than Fox, who would take only \$1,000 for the first year. Sheehan had

admitted beforehand that he didn't know anything about the film business and had seen only a few films. "That's all right, Winnie," Fox replied. "I'll send you down some literature." A day or so later, a small truck delivered a large bundle of documents to Sheehan's office at Police Department headquarters.

As mystifying as these events may seem, they actually make sense. Rumors circulated that Sheehan, who paid less than sixty-five dollars a month for his three-room bachelor apartment and didn't own a car, had invested much of his Police Department loot in Fox's entertainment businesses and that when he joined Box Office Attraction, he brought along more cash. Fox, for his part, desperately needed BOA to succeed: it was the lifeboat that would carry him over to the independent film camp and give him and his theaters a future in case the government's antitrust lawsuit against the MPPC failed. Fox also needed a politically shrewd ally. He had just lost his two protectors, now that Big Tim Sullivan was dead and former Justice Department prosecutor Grosvenor was cashing in at his new job on Wall Street. Altogether, Winnie Sheehan probably was the best available candidate for a right-hand-man.

As for the idea that Sheehan might have taken part in the plot to kill Herman Rosenthal, Fox refused to believe it. If necessary, he said, he would spend \$1 million to defend Sheehan.

If neither Fox nor Sheehan knew much about making movies, somebody was going to have to. Fox chose J. Gordon Edwards, the forty-six-year-old former St. Louis stage director whom he had hired in 1910 to run the Academy of Music's theatrical company and who, over the course of his career, had directed more than five hundred plays. In the summer of 1914, Fox sent Edwards to learn about filmmaking in Europe, then considered the center of movie artistry. Nothing is known about Edwards's activities overseas—and very little more about Edwards himself.* Born in Montreal and educated at a Canadian military academy, with a tall, slender figure and a dignified yet gentle "prime ministerial" manner, he had started out as a stage actor in New York. He rarely gave interviews,

and when he did, he invariably talked about others rather than himself. A friend commented that Edwards "wanted to be left in the background."

Upon Edwards's return from Europe after the outbreak of war, Fox assigned him to direct Box Office Attraction's first production, an adaptation of the 1907 best-selling novel Life's Shop Window, about a young wife and mother who, feeling neglected by her businessman husband, runs away with an unscrupulous adventurer. Having bought the novel's movie rights for \$500, Fox allocated a budget of less than \$6,000 and sent Edwards and actors Claire Whitney and Stuart Holmes (who would become one of Fox's favorite screen villains) to make the entire five-reel movie at a rented "little bit of a studio" in Staten Island. Money was so tight that assistant cameraman Yeatman C. Alley had to double as the caterer, with an allowance of only thirty cents per player to provide a lunch of a sandwich, a piece of pie, and a cup of milk or coffee. If he overspent, Alley recalled, "there was the devil to pay when the expense accounts were turned in." Too busy to visit the set, Fox watched the rushes every day in his office and took a strong hand in shaping the screen story.

Releasing the movie on November 2, 1914, he touted *Life's Shop Window* as a "masterpiece of picturization."* Reviewers, the few who noticed, disagreed. Nearly everything was wrong, they said. Scenes didn't make sense due to "faulty direction" and inept editing, photography was blurry, titles were "mutilated and distorted," the story had no zip, and the musical accompaniment was "unbelievably poor . . . consisting of a low monotonous wail at times verging on the discordant." Even the promotion was bad, consisting of "false advertising and misleading posters." (Looking beyond all those flaws, *Moving Picture World* deemed the movie "excellent," possibly because Fox was a major advertiser.)

The movie flopped. Fox opened it with an afternoon showing at his three-thousand-seat Audubon Theatre at 165th and Broadway. He later admitted, "I remember the manager calling me up and telling me what a vast audience we had for the matinee. Later in the afternoon he called me up to tell me that the people were all

walking out." Although Fox tried to salvage his investment by advertising it to exhibitors as a New York sensation—"one of the biggest hits of the year and a sure-fire money-maker"—patrons around the country weren't fooled.

Fox recognized his mistake and resolved never to make it again. He had bought a racy novel but then, in his zeal for wholesome family entertainment, had "moralized" all the life out of it. "Unfortunately, we attracted the people who had read the novel," he commented. "It taught me that when we pictured a book, we should stick close to the text of it. It taught me not to buy a play or book and just use the title of it and misrepresent it to the people."

Fox barreled ahead. He started production of his second movie, The Walls of Jericho, in early October 1914, and amid the burgeoning film industry in then-pastoral northern New Jersey, he leased two prestigious facilities: Pathé Frères' former U.S. studio, which was a remodeled cash register factory in Bound Brook, and the state-of-the-art Willat Studio in Fort Lee. Later that month, just as Life's Shop Window began to meet its dismal reception, Fox announced that he had acquired movie rights to "fifty of the biggest of the dramatic successes the stage has ever known" along with the rights to several best-selling books. By the end of November 1914, he had five directors on staff and contracts with a long slate of Broadway stars, including William Farnum, Charles Richman, Edmund Breese, Wilton Lackaye, Dorothy Donnelly, Edward José, and Robert Edeson. By early December 1914, he had opened fifteen BOA distribution offices nationwide, all with projection rooms so that theater owners could view films before renting them.

Although most of Fox's first-year releases were entirely forgettable, one has literally become a national treasure. In November 1914, Fox acquired the rights to a one-reel, five-minute animated film about a gentle, playful dinosaur named Gertie in prehistoric times. Gertie's creator, Hearst newspaper cartoonist Winsor McCay, had used the film in his highly popular vaudeville stage act: dressed in a tuxedo and holding a whip, he would stand in front of a movie screen and interact with Gertie's projected image. Among his tricks, McCay pretended to toss an apple toward

the screen just before Gertie caught a cartoon version of it.

Unfortunately, McCay lacked one important fan: his boss. When the show opened in Chicago in early February 1914, William Randolph Hearst objected to his employee's moonlighting. Ordering McCay back to his desk, Hearst forced the cartoonist to sign a new contract restricting his stage appearances to the Greater New York area. The shy, diminutive McCay didn't argue. A mostly self-taught artist, he had worked in a sawmill as a boy and began his creative career making colored woodcuts for traveling shows and painting street signs and theatrical posters. He had no business sense, he said, only "an absolute craving to draw pictures all the time."

So might have ended *Gertie*, for which McCay had personally done every one of the ten thousand drawings. Fox, however, seized the opportunity that Hearst had discarded. He offered to make a movie version of McCay's stage act and paid to shoot another seven minutes of live-action scenes to bookend the original footage.

In the opening sequence of *Gertie the Dinosaur*, McCay and several friends are out for a "joyride" when a flat tire sidelines them in front of New York City's American Museum of Natural History. They enter—thanks to Sheehan's political influence, this was the first time the museum's directors had ever allowed movie cameras inside—and view a dinosaur skeleton some seventy feet long and twenty feet high. McCay bets one friend that he can make the dinosaur come to life. After six months of work, at a dinner meeting of the group, he displays the results, a cartoon.

The drawings, still charming despite their simplicity and the passing of many decades, portray Gertie as a joyful, childlike character who laughs, cries, eats rocks and trees, swings Jumbo the elephant around by his tail, and dances on her hind legs. At the end of the animation, a cartoon version of McCay, tuxedoed and carrying a whip, appears and announces via an intertitle, "Gertie will now show that she isn't afraid of me and take me for a ride." Gertie helps him onto her back, where he stands waving his whip in the air and bowing while she ambles out of the frame. Then, in the closing live-action scene, McCay's friend pays for the dinner and all the guests stand and toast the cartoonist's victory. To promote the

twelve-minute movie's release, on December 28, 1914, Fox advertised *Gertie the Dinosaur* as "the greatest comedy film ever made" and McCay as "the greatest cartoonist in the world."

Reviewers and audiences responded warmly, and the film became an animation landmark. As the first cartoon animal with a personality, Gertie helped inspire the work of Walt Disney, who credited McCay as a major influence. In 1991, the Library of Congress's National Film Preservation Board chose *Gertie the Dinosaur* as one of twenty-five films to be added that year to the National Film Registry. The movie is also part of the film collection of New York City's Museum of Modern Art.

While Fox was gearing up to make movies during the summer of 1914, World War I began in Europe. Although militarily the United States remained neutral, the outbreak of war had devastating financial consequences that turned Fox's plans upside down. "The Great War threatened the United States with financial disaster," writes William L. Silber in When Washington Shut Down Wall Street. Fearful of war's tremendous expense and desperate to preserve their wealth in the safest possible form, European investors rushed to sell off their American stocks and convert the proceeds to gold, as they were entitled to do under the gold standard. During the last week of July 1914, Europeans carried away more than \$25 million in gold from the United States. Financial experts feared the trend would escalate into catastrophe. If European investors were to liquidate only 25 percent of their \$4 billion in U.S. securities, they would entirely deplete the U.S. gold supply, destroy the gold standard, and ruin the country's ability to repay foreign debts.

Investors fled the market. On July 28, 1914, U.S. stock prices dropped 3.5 percent, and two days later they fell another 6 percent —the biggest one-day drop since March 14, 1907, which had presaged the "Bankers' Panic" seven months later. To avoid another crisis, on the morning of July 31, 1914, U.S. Treasury Secretary William G. McAdoo closed the New York Stock Exchange indefinitely. It would remain closed for more than four months.

(Previously, the longest time the Stock Exchange had shut down was ten days, during the Panic of 1873.)

More broadly, American exporters became terrified about their formerly lucrative markets in Europe. Who would buy American products, and how would they pay for them? How could goods be shipped safely? With German warships patrolling the seas—one claimed to have sunk thirteen British merchantmen during the first few weeks of war—most U.S. export trade halted. Nearly every industry suffered. Farmers experienced a downward spiral in prices because they couldn't sell their surplus crops overseas; the copper, steel, meat, and oil industries saw their foreign trade paralyzed. Facing job losses, many Americans started hoarding money and stopped spending, causing a severe nationwide business depression.

For Fox, the sky was falling. In the latter half of 1914, he was spending profusely to establish himself as a film producer, and he was also still shouldering the considerable expenses of legal action against the MPPC. He had personally invested \$360,000 in BOA and didn't have enough cash on hand to meet his creditors' demands for payment. The company "needed more money and there was none available," he recalled. Many banks had stopped lending altogether and some New York savings banks required depositors to give sixty days' notice before withdrawing any amount greater than small change.

Realizing that he was about to go under, Fox had to ask for help. Reluctantly, because it meant compromising his independence, he sent Sheehan across the Hudson River to the Newark, New Jersey, offices of investment bankers Eisele & King, which had helped finance Fox's acquisition of studio space in northern New Jersey. Now, Fox asked Eisele & King to reorganize BOA with a new name and find outside investors to provide a cash infusion.

Thus began the Fox Film Corporation, incorporated on February 1, 1915, in Albany, New York. The new company had a capitalization of \$500,000, four-fifths of which came from a group of ten individual investors. Eisele & King partners John C. Eisele and Nathaniel King each bought in personally, and the other eight represented some of the biggest names in New Jersey financial and

political circles. Leading the group with a \$200,000 investment was Col. Anthony R. Kuser, president of the South Jersey Gas and Electric Lighting Company and a director of Prudential Life Insurance, founded by his wife's late father. Another \$50,000 each came from two men considered largely to run New Jersey: Uzal H. McCarter, the president and controlling stockholder of the state's biggest bank, the Fidelity Trust Company, and his younger brother, Thomas N. McCarter, president of the Public Service Corporation of New Jersey, a massive, statewide utility conglomerate. Fox himself contributed the remaining \$100,000.

Fox was virtually guaranteed control of Fox Film. In addition to a preferred stock distribution, investors received a total of 100,000 shares of "bonus" common stock. Only the bonus common stock had voting rights, and because those shares were divided fifty-fifty between Fox on the one hand and the ten investors on the other, Fox would need the support of only one other person to win any point. Five investors joined Fox Film's board of directors, including John C. Eisele,* who also became Fox Film's treasurer. No stock would be sold to the public, so there would be no pesky interference from uninformed, amateur investors.

One question arises from this tidy arrangement. Given the shambling condition of the U.S. economy in early 1915, why were the ten conservative New Jersey financial titans willing to risk so much money on a highly speculative venture such as film production and, in particular, to back someone who had not yet made a hit movie? The answer may have been that the money didn't seem real to them. On January 25, 1915, just seven days before Fox Film came into being, several of the largest investors participated in a \$3 million windfall profit from a stock manipulation scheme they perpetrated through Prudential Life Insurance and Fidelity Trust, which they mutually controlled through interlocking directorates.*

Although the partnership with the New Jersey investors allowed Fox to stay in business, he never stopped regretting it. At heart, he knew, these men really weren't all that much different from Big Tim Sullivan and his cronies. They just lived in bigger houses and managed to operate on the right side of the law. Nearly two decades later, he would say, "If there had not been a war, there would not have been a share of that stock sold. There never would have been a public participation in it. It was because of the war in 1914 and because my creditors were pressing me that I was obliged to sell this [partial] interest."

A founder who had made his name by allying himself with the most corrupt political machine in American history, a general manager who had helped run a multimillion-dollar police graft scheme and who was probably involved in a murder plot, seed money from corporate stock manipulators—these were the people who launched the Fox Film Corporation. It wasn't the way Fox wanted to do business, but it was, he believed, the way he had to do business. For the next fifteen years, he would work with superhuman energy to scrub away those stains and to create a clean, bright, new life for himself and his namesake company.

CHAPTER 12

"William Fox Presents"

The Fox features don't adopt a sugar-and-water attitude towards the facts of existence. They are real pictures of real men and women, not pictures of sweet-scented substitutes for human beings, behaving as no mortal beings ever did or ever will. That is why the William Fox features are so immensely popular. Because they are real, and sincere . . .

—FOX FILM CORPORATION AD, JULY 1915

In many ways, these were the best years, the mid- to late 1910s, the most purely enjoyable years of Fox's life, because this was the time when he got to concentrate almost entirely on making movies. Driven both by his love of the industry and by the awareness, impressed on him by the recent Box Office Attraction crisis, of how easy it could be to fail, he pushed forward with single-minded concentration.

In the dim gray light of early morning in the heart of the Broadway theater district, one might have seen Fox on the sidewalk outside the Leavitt Building at 130 West Forty-Sixth Street, a tall limestone-and-brick structure next door to Public School No. 67 and across the street from the Church of St. Mary the Virgin. Here, occupying the entire fifth, sixth, and seventh floors, Fox Film had its headquarters. But was Fox about to enter the building or had he just left? It would have been difficult to tell. Many were the days

when at 5:30 or 6:00 a.m., after working all through the night, he finally allowed himself to go home for a few hours' rest. But he could never stay away for long. He always had to turn around and go back as soon as possible. On the brink of middle age—he would be forty before the decade ended, and his dark hair was thinning, his face becoming lined—he felt acutely the pressure of time. "The Man Who Forgets to Sleep," *Motion Picture News* called him.

During these early years, Fox Film operated essentially as a mom-and-pop shop. Fox chose all the stories, sometimes coming up with ideas himself; he collaborated with writers, selected actors, and assigned directors. Every night in the "Little Red Theatre" projection room next to his office, seated in a wicker chair "with hands clasped always about a drawn-up knee, and his back to the electric fan whirring incessantly against the click-click of the movie machine," he watched the day's rushes. As images filled the screen, Fox fired suggestions at the stenographer and the film editor, who sat nearby huddled over a small table taking notes in the light of a green-shaded lamp. After that, into the early morning hours, he met at length with each director about reshoots.

When filming was complete, Fox helped edit the footage, wrote intertitles, and oversaw publicity campaigns. According to Herbert Brenon, a leading Fox Film director during 1915–1916, Fox "has his hand on every detail from that time [when the story was chosen] until the picture ceases to be shown to the public. He is an indefatigable worker . . . the active critic of every detail." Watching up to fifty reels of film per week, Fox approved every foot of film that the studio released.

When he needed advice, he turned not to his official second-incommand, general manager Winnie Sheehan, who after all knew even less than he did, but to the one person who had the supreme virtue of being entirely devoted to him—his wife, Eva. Now that their two daughters were adolescents, she had the time; she also understood that this was the best way to stay close to her husband. Although she never received a salary, Fox credited Eva with playing a vital role in establishing Fox Film. "She was in the habit of reading at least a book a day. I could rely on her recommendation of what story would be proper to make into moving pictures," he said. "All scenarios were finally submitted to her for reading. However, no one knew that was so, for these scenarios in the first five years were sent to the scenario department of our business and every evening I would pack them up and bring them home to her. I remember one story being rejected by her, and the writer of the story then wrote me a letter and said that his story had just been returned, marked 'Rejected' and that this was the greatest story he had ever written, and proved that my scenario department was in the hands of incompetents, and he would recommend I immediately dismiss the party who rejected the story. I couldn't very well do that, for it was Mrs. Fox."

Eva also watched rushes and final cuts of the films, offering her opinions with skillful, face-saving diplomacy. Fox recalled, "If there were a half dozen people in the room looking at the picture, as long as I was going in the right direction she would say nothing, but the minute she thought I was off the right direction, she would say, 'May I see you a minute?' Then we would withdraw from the room and discuss the matter, and those in the room never knew that we discussed the matter at all." When, as the final step, Fox wrote the intertitles, Eva pitched in to help. Often she stayed at the office as long he did.

Fox wanted the world to know these movies were his. The opening card of every Fox Film release read, "William Fox Presents."

Initially, most observers shrugged. New production companies were always starting up, burning through their money, and getting swept out in a pile of ashes.

In the mid-1910s, following a charmed infancy when sheer novelty had been enough to attract large crowds, the movies entered a phase of bewildered adolescence. What, actually, were the movies? No one could say for sure. A movie might be only fifteen or twenty minutes long. Many producers—among them, Universal founder Carl Laemmle and Essanay president George K. Spoor—

believed that audiences wouldn't pay attention for any longer than that and that they wanted a continuously running, come-and-go-as-you-please variety program. Or a movie might run for an hour or longer. In 1912, Adolph Zukor imported the ninety-minute European film *Queen Elizabeth*, starring Sarah Bernhardt, and showed it in a Broadway theater with top ticket prices of \$2. Although the movie drew large crowds, it's unclear if Zukor actually made a profit. One rumor held that he lost about \$2,000.

Were the movies a new art form or just a new technology? Probably the latter. That seemed to be the suggestion of an almost slavish reliance on plays, novels, short stories, and opera for material. Then again, original scripts were starting to crop up, albeit usually in the form of three- or four-page synopses. And who should be in the movies? Stage actors, of course, because they were trained professionals. But movie actors didn't have to speak, and the theatrical style, those broad gestures and exaggerated expressions calculated to reach to the back seats—they seemed to offend the camera's intimate eye. Maybe lively salesclerks and ambitious beauties would do better. As rival ideas battled to answer these basic questions, even the industry's lexicon wouldn't stay in place. Directors were often called producers, and producers were called directors or manufacturers or managers. In fact, the movies weren't even decidedly "the movies," but just as often "motion pictures," "moving pictures," "screen dramas," "photo-dramas," "silent drama," and "photoplays." * Amid the confusion, fools rushed in and investment capital, eager for profit, ran after them.

At first, Fox seemed like just another one of the herd. "My friends regarded me as one might a man who was setting sail on an utterly unseaworthy craft," he would recall. "But having set my hand to the oar, I was not going to backwater."

Fox never intended to shake up the movie industry. At heart, he was and would always be a social conservative who wanted to change nothing except his own status from outsider to insider. He loved America, its values, its processes, its definition of culture.

Consequently, in starting Fox Film, he aimed to create a respectable image by translating high-minded literary and stage plays into motion pictures and by continuing to hire the best established talent that money could buy.

Some of his brightest hopes settled on Betty Nansen, the top female star at the Theatre Royal of Copenhagen and the longtime muse of the late Henrik Ibsen, for whom she had originated the role of Hedda Gabler onstage. Considered a sort of second Sarah Bernhardt, the regal-looking forty-one-year-old actress had impressive film experience, having starred in nine big-budget movies for Scandinavia's Great Northern Film Company.

To lure Nansen to America to star in "classic works of masters," Fox reportedly agreed to pay her \$25,000 a year (two and a half times his own 1915 salary) and to let her direct a movie. He may also have hoped to get his hands on some Ibsen plays. On the voyage over, Nansen was bringing several manuscripts she'd inherited from the reclusive "master of the modern drama," including his mysterious "missing manuscript," the unfinished, never-published play, supposedly a sex drama, that he was working on at the time of his death in 1906. To greet her ship's arrival at New York Harbor on December 26, 1914, Fox assembled a twentyfive-member welcoming committee that included the Danish consul general and various literary intellectuals, and he had a large, brightly lit Christmas tree set up in Nansen's honor at the pier entrance. After the actress paraded off the ship wearing a sable cape from Czarina Alexandra and trailing a retinue of servants who carted forty-six trunks containing \$50,000 worth of costumes, the whole group headed off to a Fox-sponsored reception at the Plaza Hotel.

There were limits, however, to the extent that Fox could embrace high culture. Stamped by past experience, he knew what he knew. Stubborn and opinionated, he couldn't not know it. From his hardscrabble Lower East Side childhood and his years in the shadow of Big Tim Sullivan, he had witnessed sides of life that were anything but polished and refined. That knowledge, those truths, indelibly shaped his aesthetic perspective.

His first hit movie came as a complete surprise to him. In January 1915, while he was putting the finishing touches on the deal to incorporate Fox Film and preparing to star Nansen in her debut Fox movie, *The Celebrated Scandal*, adapted from a play by Nobel Prize—winning Spanish playwright José Echegaray, one of his run-of-the-mill releases jolted forward and became a huge success. Fox had had only modest expectations for *A Fool There Was*. True, he did assign big-name director Frank Powell, whom he'd hired away from the prestigious Pathé studio, and true, he did send the *Fool* cast and crew by chartered yacht to film in Florida at the end of 1914. True also, this story of a millionaire Wall Street lawyer ruined by a sex-mad "female vampire"* (a term quickly shortened to *vamp*) had been a hit play that ran for two years in New York, including a two-week stint in 1910 at the City Theatre on Fourteenth Street, the venue Fox had built with Big Tim Sullivan.

However, Fox budgeted only a low-end \$25,000 for the entire movie, and he hadn't even been willing to hire a female star. He'd thought about it, having considered several well-known Broadway actresses. Then he talked to the play's producer and star, Robert Hilliard. Don't do it, Hilliard shuddered. Six times he'd hired a star and six times he'd had to find a replacement after each one developed an outsize ego and became unmanageable. Let the part make the star, Hilliard advised. The advice made sense to Fox, who in general didn't think much of actors and never would. As he later commented, "[N]inety-nine percent of the performers who appear in motion pictures are nothing more or less than mannequins. They contribute nothing to the screen. They simply portray the part which is created in the brain of the author, and the director, in carrying out that which the author intended, develops the character so that a public sympathy is aroused for him or her."

As a result, Fox accepted director Powell's suggestion to cast a struggling actress named Theodosia Goodman, whom Powell had used in a bit part as a gangster's moll in his most recent film for Pathé, *The Stain*. Fox didn't bother to meet her beforehand, but merely looked into the room where she was talking with Powell. At first glance, thirty-year-old Theodosia had little to recommend her.

With her broad, flat face, asymmetrical features, strong jawline, and thick-waisted, chubby-legged figure, she looked mostly like what she actually was: a middle-class, Jewish tailor's daughter from Cincinnati, Ohio.

But Theodosia's dark, deep-set eyes did have an intriguing intensity; and, more importantly, she was desperately ambitious. Having dropped out of her sophomore year at the University of Cincinnati a decade earlier to come to New York to pursue an acting career, she so far had managed to land only small parts in undistinguished plays and stints out on the road with low-paid touring companies. Most people looked right through her. Cecil B. DeMille, for instance, later admitted that although she had often come to his office pleading for work, he "failed to take much notice" and never hired her. Recently, her luck had worsened. Her mother, who lived with her, had caught pneumonia; a stage job that was supposed to last a whole season had ended after just a few weeks; a fire in her apartment had destroyed most of her possessions and the insurance company had paid only a paltry settlement. The rent problem, she would recall, had become "heartbreaking."

Cautiously, Fox gave Theodosia only his standard beginner's contract of seventy-five dollars a week for three months. If she didn't make good, he would let her go. When footage from *A Fool There Was* began to come back to New York from the set in Florida, he was impressed with her performance, but not enough to overcome a sense that the film was doomed. "Look where my good money's going!" he cried to Powell.

Having been started, the movie had to be finished. However, aside from a few striking costumes worn by Theodosia's character, it looks as if it were made on the cheap. In one early scene, the actress wears a nightgown several sizes too large for her, with the distracting result that the straps keep falling off her shoulders, first on this side and then on the other, while she's trying to discard her current besotted lover in order to set out after lawyer Schuyler. The scene should have been reshot, but it wasn't. (Those images would torment her when she first saw them: "I could hardly keep myself

from rushing up and telling myself about it.")

With little hope that anyone would pay attention, Fox decided to have some fun with *A Fool There Was* by inserting several inside jokes. After Schuyler gets appointed to an overseas diplomatic mission, he receives telegrams from Secretary of State "Sheehan" (the real incumbent was William Jennings Bryan). Later, when Schuyler's shameless carrying-on in Europe with the vamp gets reported in a "Town Tattler" newspaper gossip column, the film frame also shows a boxed article signed by Samuel Untermyer, Fox's friend and one of his legal advisers on the MPPC antitrust case. Echoing Fox's teenage infatuation with socialism, the text reads, "There is no reason why labor should not have the same right to combine to meet such combinations of capital, yet it has been denied that right by the construction placed upon the law, which it is now sought to correct."

Offhandedly, Fox tossed *A Fool There Was* out into the marketplace in January 1915 with a no-frills advertising campaign. Although he had changed the actress's name to Theda Bara because "Theodosia Goodman" "didn't quite have the theatrical feeling," initially he did nothing else to play her up. Small, plain newspaper ads touted the story's roots in Rudyard Kipling's 1897 poem "The Vampire," and lead actor Edward José's impressive theater credentials. At best, it seemed, the movie would hop around the country, playing a day or two at a time in neighborhood theaters before tumbling into oblivion.

Instead, crowds stampeded into theaters everywhere. *A Fool There Was* sold 4,900 tickets in just one day in Kansas City and also set box-office records in San Francisco, Seattle, Milwaukee, Minneapolis, Cleveland, Portland, and Dallas. At the center of the frenzy was Theda's performance. With last-chance ferocity—"I was scared to death," she later commented—she had seized the part of "The Vamp"* and shaken every possible passion out of it. Her character was shamelessly sexual, even though the most graphic scene shows her lifting her skirt to reveal an ankle in order to seduce John Schuyler on board the ship to Europe. She slinks, she smolders, she glares, she rages. She does not repent. The movie

gave her that latitude and never took it back. In the final scene, when Schuyler's wife and young daughter come to his disheveled New York town house to plead for his return—wreck that he is, they still love him—he briefly considers going home. Then Theda storms back onto the scene and simply stands there, breaking his will with her gaze and compelling him to cling to her. All is lost. Drunk, disgraced, and thoroughly miserable, Schuyler slumps down onto the floor and dies. Theda scatters rose petals over his corpse and grins.

It was the right performance for the moment—defiantly, sensationally modern—and context is probably the consideration that Fox missed in his initial assessment of the movie's prospects. Beneath its glossy prosperity, mid-1910s America was a restless, anxious place. "We are unsettled to the very roots of our being," Walter Lippmann wrote in his 1914 book Drift and Mastery, about country's ongoing feverish push toward impersonal, the industrialized, urban life: automobiles and skyscrapers rather than horses and villages; the telephone, electric lights, concrete playgrounds; "the symbols and shadows of events" rather than events themselves. "We have changed our environment more quickly than we know how to change ourselves. And so we are literally an eccentric people, our emotional life is disorganized, our passions are out-of-kilter." The war in Europe, six months old by the time of the movie's release, intensified the distress. As James Truslow Adams would later explain, "[W]e had almost all of us forgotten that such a horror could raise its head in our modern world ... Suddenly the whole of Western European civilization appeared to have burst into flames."

A Fool There Was caught the country's raw, nervous energy and offered a visceral symbol of protest. "Why did you act afraid and ashamed?" Theda's vamp lambastes Schuyler after their open-air car has passed that of his wife and daughter on a busy New York City street. "You should have bowed and smiled as I did."

Out on the road in early 1915 to drum up business for Fox Film, general manager Sheehan found exhibitors stripping Edward José's name off the bill and highlighting Theda's. "You can't do that,"

Sheehan told them. Fox Film's contract called for José to get top billing. "I don't care anything about your contract," one theater manager replied, "I know who brings the money to the box office window." Theda was the right symbol for the times. As Sinclair Lewis would write in his 1920 best-selling novel *Main Street*, "a rebellious girl is the spirit of that bewildered empire called the American Middlewest."

Exhibitors clamored to rebook the movie, so that it often circled back to the same theater for several repeat engagements. By May 1917, still doing healthy business, *A Fool There Was* had become the first feature film to make \$1 million in profits. Even the critics applauded. "It is bold and relentless; it is filled with passion and tragedy . . . shot through by the lightning bolt of sex," enthused the *New York Dramatic Mirror*; "[P]owerfully absorbing in all its parts. No six-reel picture witnessed by the writer has surpassed it in its gripping and tenacious qualities," added *Motion Picture News*, which proclaimed the movie "exceedingly excellent."

Astounded, Fox initially dismissed the success of A Fool There Was as an aberration. For Theda's follow-up role, he cast her as the second female lead in Kreutzer Sonata, based on the Tolstoy short story, and gave the main role to stage star Nance O'Neil. In crafting Theda's public image, he borrowed the traditional stage-world assumption that audiences would measure value according to the distance between an actor's "real" self and the performed character. Trumpeting Theda as a great actress, Fox Film press releases claimed she'd been the leading lady of the Théâtre Antoine in Paris, celebrated for her "marvelous interpretations of extremely difficult roles," and that she'd won similar acclaim in Berlin and Vienna. Publicity photos from early 1915 showed Theda in stylish but demure clothing, with subdued makeup and warm, friendly expressions. She was an artist, the Fox forces insisted. It was all nonsense. According to Theda's biographer Eve Golden, no evidence indicates that Theda had ever traveled to, much less worked in, Europe, and she had never been famous anywhere. Fox later admitted, "I was never able to find out what she did in the theater before that time."

Movie audiences wanted none of this—not because it was nonsense, but because it was the wrong kind of nonsense. Asserting control through ticket sales, they grabbed Theda's image and shaped it according to their own desires. No, Theda was not a supporting player. Viewing Kreutzer Sonata, in which she appears as the main character's husband-stealing sister, they cheered her on so enthusiastically that, mirroring the Fool events, theater owners ignored Nance O'Neil, whose contract called for sole billing, and promoted Theda instead. Yes, The Clemenceau Case, her third movie, that was more like it. Billed as the star, Theda played the "pantherish" Iza, who ruins her loving husband and nearly does the same to his best friend, a talented sculptor, before her husband stabs her through the heart. No and no again: ticket buyers shunned The Two Orphans and Lady Audley's Secret, two mid-1915 movies with Theda in non-vamp roles. In the former, Theda played a chaste French orphan who endures various persecutions while trying to rescue her beloved blind sister from kidnappers; in the latter, she is an English aristocrat suffering from hereditary mental illness. The movies didn't need another sweet, sympathetic star like Mary Pickford or Lillian Gish. They needed an antidote.

In another curious development, many moviegoers didn't want the story to end when the lights came up. Film wasn't theater. Film was a spy, moving surreptitiously in other worlds and sending back reports, mesmerizing viewers with the illusion of authenticity. And if the characters were true, then they ought to be so in the real world, too. As a local exhibitor told Alabama's *Montgomery Advertiser* in August 1915, his average customer preferred to believe that Theda wasn't acting. He explained, "[T]here are women in Montgomery whom I have heard refer to her as 'a buzzard.'"

Fox was listening, but not quite ready to hear. As revenue flowed in from Theda's movies, he directed profits back into his original conservative strategy. Hastily buying up more talent, he targeted primarily directors and writers because he considered them to be the brains of the business and more important than actors in determining success.

Typical was the case of director Raoul Walsh, who acknowledged, "Fox money bought my loyalty." Walsh had been rather happy with his forty-dollar-a-week job directing low-budget Westerns for D. W. Griffith's company, Triangle–Fine Arts. Then, in the spring of 1915, Winnie Sheehan arrived in Los Angeles and, on orders from Fox, took twenty-eight-year-old Walsh to dinner at the Alexandria Hotel. Name your price, Sheehan said. "Four hundred. Weekly," Walsh replied, never expecting to be taken seriously. After all, even the great Griffith was reportedly pulling down only about \$100 a week. Sheehan didn't flinch. The next evening, over another dinner at the Alexandria, he casually tossed a contract for \$400 a week in front of Walsh, who was so stunned that the words blurred in front of his eyes. The following day, a still-incredulous Walsh showed the signed contract to a Triangle–Fine Arts colleague, who asked, "Who's backing them—God?"

By June 1915, Fox had eight of the industry's most capable directors under contract* and claimed to have spent \$1 million for the movie rights to famous plays and novels. Yet, as Fox made his plans, events continued to push in another direction. The refined Danish import Betty Nansen had little appeal for American audiences. None of the five movies* she had made for Fox by the summer of 1915 earned much money, even though Fox had given her all the advantages he could. For three movies, he'd paired Nansen with his most trusted director, J. Gordon Edwards. He had paid for expensive sets and location shooting-her Anna Karenina went to a Montreal resort to film ski-racing scenes-and he'd persuaded Columbia University professor Alexander Delaney to write a press release touting her "magnificent" performance in A Woman's Resurrection, also based on a Tolstoy story. A Fox Film ad campaign promoted Nansen as "The Queen of Emotional Acting" whose work "marks a new epoch" in filmmaking.

It's impossible to know what went wrong. All Nansen's movies for Fox have been lost. Perhaps her acting style was too understated. "There are no wild sobs, no desperate throwing of arms," one critic commented. Certainly it didn't help that Nansen wasn't willing to hustle the merchandise. She didn't make personal appearances, didn't cooperate with the Fox Film publicity department, and barely deigned to acknowledge her fans. Pressed repeatedly to explain her character in *A Woman's Resurrection*—Nansen played a naïve young woman who gets seduced and betrayed by a Russian prince, then becomes a prostitute and gets tossed into prison before experiencing spiritual rebirth in snowy Siberia—she always replied with the same three words: "She is human." In other words, *figure it out yourself*. But audiences, having plunked down their hard-earned dimes and quarters, didn't care to.

A similar fate met Fox's plan to develop a highbrow male star. During his Theda-fueled buying spree of brainy talent, he had signed Robert Mantell, the so-called "dean of Shakespearean actors," whom he hoped to star in deluxe motion picture adaptations of *Macbeth* and *Othello*. How about it? Fox asked in a nationwide poll of first-run theater owners. Don't bother, came the chilly response from 71 of the 102 exhibitors who wrote back. As one of the more diplomatic correspondents explained, "[W]hile we appreciate that Mr. Mantell is a great actor, and a very well-known one, we do not think that even he could make Shakespeare a success in motion pictures." There it was already, the enduring central dilemma of the American movie industry: art or commerce?

Given the frightful expense of moviemaking, the inscrutability of the mind of the audience, the capriciousness of popular taste, and the incomparable allure of this business—once in it, one longed to stay—there could really be only one answer. Fox would not spend much time debating the question. In fact, he had already told the world, told himself, what he was going to do. In mid-March 1915, with Fox Film barely six weeks old, he had announced that he intended to become the "monarch of the movies," equal in stature to "lumber kings, wheat kings, coal barons, cotton kings, steel magnates, railways magnates."

Now, in the summer of 1915, recognizing that audiences didn't want what he wanted them to want, he revised his strategy. "The truth of it is, Brother, we aren't making money YET . . . How's that for a frank admission?" a Fox Film trade ad acknowledged. But

make no mistake about it, "we WILL make money. It is a case of the survival of the fittest."

Fortunately, audiences wanted what Fox had thrown in for free: his highly sensational view of life. So, bidding farewell to Nansen,* who was ready to leave anyway for some stage jobs in northern European countries not affected by the war, Fox turned his attention primarily to Theda and began a major renovation of her image. Out went the "serious actress" story. Now he understood. The movies had had other sirens, even some called vamps, but always they had been rather like John Schuyler in the car passing his wife and child: afraid and ashamed. No actress had yet claimed the bad girl image as her own. Theda would become the screen's first brand-name sex symbol.

Deciding that the market could use a Middle Eastern-flavored star, Fox turned the specifics over to his publicity department, which was headed by Al Selig and John Goldfrap, two former New York World reporter colleagues of Winnie Sheehan. One can only imagine the laughs Selig and Goldfrap must have had as they cooked up a story about Theda as a real-life "Vampire Woman" who'd been born in Egypt to an Italian sculptor and painter named Giuseppe Bara and his French actress wife. Her alleged résumé expanded to include a stint at Paris's macabre Grand Guignol theater, and her purported interests encompassed green jade, elephants, odd jewels, incense, orchids, music, ginger beer, classical dancing, and feminism. Although she would later deny it, Theda probably participated in the creation of her own legend. Reportedly, when Fox PR foot soldier Bill Thompson asked her where she was born, she replied offhandedly, "You might just as well tell them I was born on the desert of the Sahara." The desert was a pretty big place, Thompson suggested; could she be a little more specific? "Oh, very well, make it two blocks from the Sphinx," Theda supposedly said.

Was it all too ridiculous? To find out, Fox held a press conference where Theda, dressed up in an Arabian costume, followed orders not to say a word lest she betray her Ohio origins. Fox recalled wryly, "The newspaper men left that day and said that

the Fox Film Company had discovered the greatest living actress in the world."

So it was then. With the business of movie stardom just beginning, no one knew yet how to balance imagination with fact in the creation of a marketable personality—but probably it was better to err on the side of imagination. The popular press wasn't about to complain. For one thing, the whole Theda story was so preposterous that Fox could hardly have expected to deceive anyone. Besides, this was entertainment; no spoilsports allowed. "I put my fingers in my eyes and wink my ears," wrote a *Photoplay* reporter who interviewed Theda for a September 1915 profile. "I wish to believe, I am going to believe, I do believe . . . that Bara is Bara."

From that point on, Theda's image began to tilt more and more toward the occult, the arcane, and the just plain weird. Press reports referred to Egyptian astrology, Greek dancing, a walk in a cemetery before every new role, and pets that included a whistling frog, a green cat from Peru, and a sleep-walking orangutan.

Theda didn't understand it, especially all the fuss over her sex appeal. "My shape is not beautiful enough. I am too slender," she protested to director Frank Powell. "What do you want?" he replied. "Fat legs like a haus-frau?" Buoyed by a sense of humor that she called "the saving grace of baffling experiences," she gamely posed for publicity photos in flimsy costumes with snakes, skulls, bats, mummies, and even a human skeleton.

As her movies became increasingly lurid, Fox virtually assaulted the market with them, releasing eighteen Theda features by the end of 1916. Sometimes she finished one project and started another the same day. No matter: The stories were all—mostly—the same anyway.* "My heart is ice, my passion consuming fire," she declares in *The Devil's Daughter* (1915). "Let men beware."

That was the spirit. But of course the men didn't beware, and for that matter, neither did Theda's characters, who, having escaped retribution in *A Fool There Was*, more often than not came to a bad end now. In *Sin* (1915), her trampy Italian country girl accompanies a callow Italian aristocrat to the United States. Her love-struck exfiancé follows, steals the jewels of the Madonna from a church altar,

and then kills himself on the altar steps. Discarded by the Italian aristocrat, Theda's character goes insane and gets attacked by an angry mob that blames her for the desecration of their church.

On to pre-revolutionary Russia for *The Serpent* (1916). In that movie, Theda's trampy Russian peasant girl gets raped by a grand duke, who tosses her a wallet full of money and tells her to leave the country. She goes to London, where she becomes a wanton but successful stage actress. Then, during the war, she enlists as an army nurse in order to seduce and marry the grand duke's soldier son—just so she can arrange to have the son find her in the arms of his father, a sight that leads the son to shoot himself, which she knows is the worst injury she can inflict on the grand duke. Then she falls out of bed in Russia and realizes it was all a dream. There is no such backtracking in *Gold and the Woman* (1916), which ends with an image of Theda, amid glowing light and sulfurous vapors, transforming into the devil.

Betty Nansen in Tolstoy, she wasn't. However, to suggest, as film histories tend to, that Fox merely tossed Theda into a series of cheap, tasteless potboilers misrepresents both the complexity of the situation and the character of the man. As he built up Theda's career during the first two years, Fox displayed considerable ambivalence. Pragmatically, he knew he had to meet audiences where they were. Idealistically, he kept trying to push them forward. All eighteen Theda movies that Fox released during 1915 and 1916 had pedigreed source material. *The Devil's Daughter*, for instance, was based on the play *La Gioconda*, by Italian writer and politician Gabriele D'Annunzio; *Sin* came from Ermanno Wolf-Ferrari's opera *The Jewels of the Madonna*, which had been performed by New York's Century Opera Company. *The Galley Slave* (1915) was adapted from a perennially popular 1879 play by Bartley Campbell.

Fox saw no impenetrable barriers among art forms, no reason not to appropriate highbrow classics for his most popular star. A good story was a good story—and many works were copyright free. *Carmen* was an especially ambitious early Theda movie, started in mid-1915 after Fox learned that the Lasky Company planned to

make its own version starring opera great Geraldine Farrar. Cutting and pasting a script together in less than a week from the original Prosper Mérimée novel and the Bizet opera, with liberal dashes of his own imagination, Fox had a \$30,000 Spanish city set built in Fort Lee, New Jersey, and assembled a cast and crew of five thousand. The movie was finished in only eighteen days.

Although Theda wore low-cut, sleeveless dresses, and tempestuous expressions, director Raoul Walsh made the mistake of filming the traditional ending where Don José runs into the woods and fatally stabs himself after killing Carmen. "Hold it!" Fox's voice boomed toward the end of a prerelease screening at Fox Film headquarters. Holding up his hand from the back of the darkened room, he blocked out the image on-screen of the dying Carmen. "Raoul," Fox snapped. "Who wants to see such an ending?"

Actually, Walsh explained, probably a lot of people, because *Carmen* was a famous opera and that finale was pretty well known as the story's outcome.

"Are we working for love or for money?" Fox demanded. It wasn't really a question. They both knew that money had lured Walsh to Fox Film in the first place and that without it he wouldn't stay. To his credit, Fox didn't insist on a happy ending for the lovers. Instead, he allowed Walsh to substitute a spectacular, tragic "big moment": Don José racing on horseback over the edge of a cliff and falling eighty-three feet to his death. A former Barnum and Bailey horse named Toreador and stuntman Art Jarvis made the leap at Ausable Chasm in the Adirondacks. Horse and rider turned two complete somersaults in the process, with Jarvis never leaving the horse's back until they hit the water below. Although the film is lost, a still photo shows the team whirling in midair. (Motion Picture News commented, "There is no fake about it.") Miraculously, Jarvis suffered only a broken leg and a few bruises, while the horse swam ashore unharmed. (The authorities weren't amused. Jarvis and four other Fox Film employees were fined for animal cruelty.)

Determined to make a first-class star out of Theda, Fox promoted the movie furiously. With both versions of *Carmen* opening in New York on Sunday, October 31, 1915, Fox battered

his rival with a relentless advertising blizzard. While the Lasky Company premiered its movie at just one theater, the 2,989-seat Strand, built just the year before at a record cost of \$1 million, Fox doubled the bet by opening his *Carmen* at his two best theaters, the Academy of Music, on Fourteenth Street, and the Riverside, at Ninety-Sixth and Broadway. For the Riverside event, Fox hired a sixty-piece orchestra and had a police detail manage the crowds that gathered outside the theater to watch Theda's arrival. After the theaters closed that first night, Fox learned that his *Carmen* had sold 22,300 tickets at the Academy of Music alone, compared to 20,067 for the Lasky version at the Strand.

When Theda's *Carmen* rolled out to the hinterlands, Fox kept up the assault. In Terre Haute, Indiana, although both Fox Film and the Lasky Company took out extra-large newspaper ads and hired automobiles to drive around with placards, Fox went further, plastering posters on seemingly every available space in the city. In Seattle, Fox Film hired two men dressed as bullfighters to parade a bull through the streets to tout *Carmen*'s bullfighting scenes. To drum up enthusiasm among exhibitors, trade publication ads shamelessly extolled the Fox movie as "supremely and resistlessly alone and unrivalled . . . Theda Bara's life triumph," and "an epoch in moving pictures" for which "Imitation [is] preposterous and futile."

Well, reviewers decided, not really. Most gave better marks to Geraldine Farrar's performance, which they found more passionate and nuanced than Theda's "mechanically seductive" rendition. Still, comparing the movies as a whole, many critics preferred the Fox version for its creation of atmosphere, use of character types, and even its fanciful elaboration of the story. "One thing is sure—the Fox production . . . can be classed as one of the best features ever filmed," raved *Variety*. "It just misses being a masterpiece." The public agreed; the movie became a big hit, breaking box-office records in some cities.

Even Shakespeare—Fox hadn't entirely given up on that ambition—was pressed into service to advance Theda's career. In 1916, Fox starred her in *Romeo and Juliet*, even though at thirty-

one, with her "large, bosomy, and rather heavily thighed" figure, she wasn't quite the picture of an innocent fourteen-year-old. Yet, why not? This was a different sort of Shakespeare—"splendid entertainment if one had never heard of Shakespeare," commented the New York Tribune. The casting also featured twenty-nine-yearold Harry Hilliard, playing Romeo with a hairstyle that suggested "a remarkable resemblance" to patent medicine queen Lydia Pinkham. Here, once again, Fox couldn't help interfering with the text. After deciding that the lovers' death scene needed something extra, "William Shakespeare Fox," as the New York Times called him, rewrote the scene so that Juliet wakes up when Romeo kisses her after having swallowed poison himself. In their final conversation, Romeo tells a joyful Juliet that he plans to take her to Mantua. Then he dies, and she kills herself. The new scene actually worked, injecting "still deeper gloom when the happy ending that seemed imminent fades away," the Times critic decided. "It is a pity William Shakespeare did not live to see the movies, for he might have learned about play writing from them."

Fans were willing to buy it, perhaps because of the enthusiasm Theda put into the act of dying. As the *New York Tribune* film critic noted, "She does not die gently and pleasantly, but she emulates Svengali by falling backward over Romeo's body and facing the audience, with her head upside down, a ghastly stare on her face."

Still, every now and then, Fox grew impatient to see if audiences were ready to move on to higher ground. He continued to cast Theda in more non-vamp roles, most notably as the refined Lady Isabel in a 1916 adaptation of the creaky English play *East Lynne*, in which he had appeared during his teenage amateur acting phase. He also repeatedly attempted to undo Theda's "seductive sorceress" publicity by issuing press releases pointing out that she was in fact an agreeable person who simply worked very hard at her "art." It didn't work. Box-office returns from Theda's "nice" movies consistently paled next to the profits from even a mediocre vamp picture.

By the end of 1915, Theda had become a major star. Fox Film had made fifty copies of each of her ten feature films to date, and

with all of them in circulation, she drew an estimated daily audience of about eight hundred thousand. One year later, her popularity rivaled that of Mary Pickford and Charlie Chaplin. Fans recited Theda's lines out loud in theaters, mobbed her public appearances, and swamped the studio with fan mail. "You are a menace to the human race," one letter writer railed. Passing by Theda's photo in a frame outside a New York theater, a woman aimed her umbrella and jabbed a hole through the face. They loved her; they hated her; they loved to hate her. By the droves, they bought tickets.

Despite the time and money he invested in sculpting Theda's career, Fox never fell in love with his Galatea. Their relationship always remained formal and essentially contractual, with the distance between them measured out in their constant habit of referring to each other as "Miss Bara" or "Miss Goodman" and "Mr. Fox." As closely as they collaborated on the creation of Theda's public identity, it was a shared project, a piece of business that averted the gaze of each from the actual fact of the other. No rumor would ever surface about any flirtation between them.

An affair wouldn't have been out of the question. Although photos portray him as portly, balding, and homely, although he had a damaged left arm and conspicuously bad teeth, Fox was in his way a powerfully attractive man. In person, his charisma transformed him. He had "an aliveness that made him seem tall and slender," a female writer was surprised to discover upon meeting him at his office. He exuded confidence but had an engaging, self-deprecating sense of humor. He almost always got whatever he wanted, yet with women he was so chivalrous that he once fired an executive for swearing in front of a female secretary. He was "really a very nice man, kind and considerate," "not like those fresh guys who would maul you," commented actress Miriam Cooper, who starred in a number of Fox movies and was married to director Raoul Walsh. Fox was even still relatively young: in 1915, he was only thirty-six to Theda's thirty.

Furthermore, unlike such other early moguls as Sam Goldwyn or Columbia's Harry Cohn, who reveled in their bumpkin demeanor if not their downright crassness, Fox aimed for cultivation. He dressed well but not flashily, read literary classics in such spare time as he had, and often attended the theater. He took care to speak well. His public statements were almost always crisp, to the point, and intelligently phrased. "A man of simple tastes, possessing culture as a natural quality, never displaying his wealth," his friend Detroit businessman David A. Brown would later comment.

Theda shared those values. Completely unlike her public image, she was, in the words of her friend actor Milton Sills, "a gracious, cultured woman." For recreation, she liked to read—she could quote from Nietzsche's *Thus Spake Zarathustra* and also favored Joseph Conrad—as well as listen to music and visit art museums. Despite her stardom, she still lived with her parents and sister and had never had any interest in nightlife or tempestuous romances. She was "timid, shy, precise," an acquaintance commented.

She was attracted to Fox, she later admitted. He had "fine eyes," she said, as well as enthusiasm "like an electric current" and "a personality that is felt—felt even if he is hidden behind a set, watching and unseen." With his "natural, assertive, vehement swaying eloquence," he could make anyone believe anything. "After hearing Mr. Fox say 'fillums,' you leave him with the firm impression that Mr. Webster's latest edition is wrong in the given orthodox pronunciation of the word."

Especially, Theda was in awe of Fox's mind, which she described as "keen as a knife." Time and again, she had seen him quickly retrieve just the right fact from his seemingly limitless memory to settle an argument. "If one could open his brain," she thought, it would probably resemble "a series of ledgers, perfect in their records." Balancing that shrewdness and precision, he seemed to have a deep understanding of human nature. Certainly he had understood Theodosia, in some ways better than she understood herself. Despite her own fruitless struggle for ten years, he had instantly found a way to make her a star. With a modicum of encouragement, Theda's feelings might have developed into

infatuation. She had no practical barriers to a romance with the boss, no husband or boyfriend to get in the way. In fact, she'd had virtually no serious experience with men because she had always been so dedicated to her career.

Fox, too, felt an attraction. Not only was Theda a docile mannequin whom he could dress up to convey his idea of sexual allure, but also she seemed to share his seriousness of purpose. When word came back from the Florida set of *A Fool There Was* that in order to prepare for her scenes, she often went into a corner to talk to herself, Fox decided, "Well, any girl who does that is ambitious."

Over time, the two developed a warm camaraderie. Theda eventually felt comfortable enough to confide in Fox that they had actually met before he hired her for A Fool There Was. That encounter had happened in the summer of 1914, when she'd appeared in an English comedy vaudeville sketch called "Bought and Not Paid For" at his Riverside Theatre on Broadway at Ninety-Sixth Street. "The 'comedy' certainly didn't seem funny to me," she later commented. And indeed it wasn't funny. At the opening performance, "the tomb could not have been more silent." To try to stir up the audience, Theda began shouting her lines and "finished the act with a voice like a whiskey tenor." Unfortunately, Fox was in the audience. "He wanted to close at once," Theda recalled. "But he relented and let us play for three days. Then his patience gave out." For several years, Theda kept silent about the incident, fearful for her future. Then, established as a star, she confessed. "Mr. Fox remembered the piece clearly—it had been doubtless so flagrantly bad he could not forget it," she said. "We both had a great laugh."

Quietly, willingly, they made sacrifices to please each other. Part of the reason that Fox had cast Theda in "good girl" roles was that she had pleaded with him to do so in order that her work might have variety. He hadn't wanted to put her in the first one. *The Two Orphans* (1915) was only her fourth movie,* and she was creating a sensation with her vamp performances; to change course risked confusing and alienating the audience. But Theda insisted, so he agreed. He assigned director Herbert Brenon, then an industry

darling previously employed at Universal, and sent the production to film in Quebec. Even after *The Two Orphans* and several other sympathetic Theda movies stalled at the box office, even after the autumn of 1916, when he announced that henceforth she would appear only in vamp roles, he never could stick to that resolution. He continued, although increasingly intermittently, to cast her in non-vamp roles. Partly, he believed that audiences could be encouraged to grow in their tastes. Partly, he wanted her to be happy.

Similarly, Theda set aside the prerogatives of her power as a star. Once, assigned to a movie that she found "inferior," she protested that she didn't want to do it. "However, Mr. Fox urged me, saying there was no other script ready and promising that if I didn't like the picture upon completion, he would burn the film," Theda recalled. "The picture was anything but satisfactory to me when done, but I did not ask Mr. Fox to keep his promise, as this would have been more than one could expect, meaning a loss of \$30,000 to \$40,000."

Some people thought the two belonged together. Theda's mother once overheard two women in a movie theater discussing whether Theda was Fox's wife. That an affair didn't happen testifies, ironically, to the extraordinarily close match of their needs. Fox wasn't simply indifferent to the idea of marital fidelity: he wasn't a John Schuyler, happily married unless a convenient enough opportunity came along. He needed to be faithful to prove the steadiness of his character and to differentiate himself from his father, Michael. He kept a safe distance from Theda, waiting until about three months after the release of A Fool There Was to meet her. In her presence, he was often silent. She felt he had "an actual film drawn over his expressive eyes, drawn over or drawn away, as a woman lets down or lifts a veil over her face." Ultimately, she inscrutable, "as enigmatic proverbial him as the noncommittal demeanor of the Sphinx . . . "

Just as Fox had never really stopped being that thirteen-year-old boy who had awakened to a new sense of himself at his bar mitzvah, so Theda would always remain Theodosia, a nice Jewish girl from a nice middle-class, Midwest home. Once, a woman wrote a letter accusing her of breaking up happy homes. Theda wrote back, "I am working for a living, dear friend, and if I were the kind of woman you seem to think I am, I wouldn't have to."

Fox had found his ideal flagship female star in Theda, but that was only half the story. Through her movies he had started to define his first primary theme: what to do with all the passions unleashed by prosperous modern society? Yet, the question needed an answer. What kind of man could master the modern world?

That issue had long been a central preoccupation of Fox's own life. To answer it, he turned to former stage star William Farnum. If thirty-eight-year-old Farnum didn't provide a fully adequate response in real life—Fox was dismayed to find that the actor sometimes behaved like "a big boy"—nonetheless, he had all the raw material from which a satisfying answer could be fashioned on-screen.

Visually, Farnum must have struck the upward-striving Fox as especially apt. His chiseled features, wavy brown hair, gray-blue eyes, and ruddy complexion drew from the same Northern European heritage that overwhelmingly characterized the American elite of wealth and power. Farnum was also physically strong. In his debut movie role as an Alaska gold mine owner in *The Spoilers* (1914) for the Selig Company, the tall, muscular "Big Bill" had taken part in a saloon fistfight scene that set a standard for screen violence that would endure for several decades. He was charming, too. With his easygoing good humor, sunny disposition, and Everyman humility, Farnum won people over easily. Altogether, he seemed naturally blessed on the outside in the way that Fox—short, homely, with a crippled left arm—tried so hard to be on the inside.

Farnum also had a genuinely impressive résumé. The Bostonborn son of two actors, he had been on the stage since age ten and as a young man had toured the country for five years as the star of *Ben Hur*. After a brief stint at Famous Players–Lasky following *The Spoilers*, Farnum had joined Fox's Box Office Attraction production company in late 1914.

At first, Fox cast Farnum in a variety of roles that showcased his dramatic range. Then, after catching on to the notion of screen types via his experiences with Theda, he took a more purposeful hand in shaping the actor's image. Money, the strongest language Fox knew, signaled the importance of the project. In the spring of 1915, before Fox Film officially started to show a profit, Fox gave Farnum a two-year contract at \$1,000 per week with at least forty weeks of work per year. That was four times Fox's own annual salary for 1915, and considerably more than Theda was earning, although Fox had increased her paycheck from the initial \$75 per week. Chauvinism? Possibly. While Fox understood that many women had to work, he would never fully grasp that some might actually prefer a career to marriage and motherhood. On the other hand, he wasn't in the habit of overpaying for anything, and he may simply have viewed Farnum as a more durable, more versatile commodity than Theda.

During 1915 and 1916, preoccupied with Theda as well as all the other business of establishing a movie studio, Fox had time only to sketch the outlines of Farnum's persona. Ads hammered away with adjectives such as virile, red-blooded, courageous, and manly, while various roles exemplified loyalty, risk-taking, and forgiveness. In his most prominent movie from this time, The Bondman (1916), Farnum addressed the seminal problem of Fox's own life, playing a dual role as both remote father and resentful son. In the movie, after the failure of his marriage to the daughter of a provincial governor in Iceland, irresponsible vagabond Stephen Orrey (Farnum) abandons his son, Jason (Farnum), and starts another family with a wanton drunk. The younger man must not only raise himself but also overcome intense anger toward his father, whom he wants to kill for making his mother suffer, and jealousy toward his illegitimate half brother. The story's ending offered Fox a plausible strategy for his own life. Doing the right thing even though he doesn't feel like it—rescuing his hated half brother after a mine explosion, then physically dying but metaphorically dying to his former self—the hero cleanses himself of base feelings through

action and self-sacrifice.

If none of Farnum's movies during his two \$40,000 years became a major hit, he nonetheless proved himself a good soldier worthy of further investment. For the mine explosion scene in *The Bondman*, amid dense fumes from lycopodium smoke pots, Farnum ran one hundred feet up a cliff while carrying the actor playing his half brother over his shoulder. At the top, overcome by chemical vapors and fatigue, Farnum keeled over. During filming of *Battle of Hearts* (1916), off the Santa Cruz Islands in California, he nearly drowned after rough waters overturned the boat that he and three other men were rowing. Wearing a fisherman's costume that included a heavy raincoat and tall sea boots, Farnum swam the long distance to shore. Then, exhausted and soaked, he had to wait in the cold night air for several hours until crew members could get dry clothes for him. He didn't complain. "A fine, decent gentleman," Fox decided.

Fox so admired Farnum—or at least the image of Farnum he was creating—that he used the actor as an off-screen stand-in when it came time to face the question of relocating operations to California. Fox really didn't want to establish a studio a five-day train trip away. It would be extremely difficult to keep an eye on production the way he wanted to, and he had to stay in New York because that was where the money was. But California had become inevitable. By 1916, nearly 80 percent of the world's movies were produced in Southern California, with twenty production companies in the region employing twelve thousand people regularly. Three studios operated exclusively in Los Angeles: those of Thomas H. Ince and D. W. Griffith, and the thousand-acre Universal City, which had opened on March 15, 1915, after two years of construction and had its own mayor, police, fire, street cleaning, and educational departments.

Reluctantly, Fox leased the former Selig Polyscope studio in the Edendale area, northwest of downtown Los Angeles, and in December 1915 he sent several dozen actors and executives west by a special train. Sheehan went along, but wouldn't stay; as Fox Film's general manager, he traveled constantly, overseeing the branch

sales offices nationwide. Abraham Carlos, a former New York City movie exhibitor who had helped Fox in his lawsuit against the MPPC, would become the West Coast manager, but press releases didn't mention him. Instead, Farnum's name got pushed to the forefront as the leader of the mission. Fox had big plans for the actor—soon, just not right now.

With Theda and Farnum as the guiding stars of his dream, Fox accelerated his pace. In September 1915, after only seven months in business, Fox Film began turning out a feature a week, a schedule that put the studio on a par with industry leader Famous Players—Lasky.

Gone were the self-doubting impulses that had led Fox, when he was making his first movie, *Life's Shop Window*, to buy the rights to a racy novel and then drain all the zest out of the story. Now he tore into material looking for passion. Two rules guided him. First, the story had to hit hard. If, after reading a ten-to-twenty-page synopsis, he couldn't repeat the plot without stopping to think, he dropped the idea. Second, he had to care deeply about the characters—to find them "natural and human" rather than "mere puppets"—and to believe that their lives illustrated some "impressively dominant theme" of the human experience.

Unfortunately, very few pre-1932 Fox Film movies survive. Although Fox valued his productions highly and took care to store them in fireproof vaults, successive regimes were far less conscientious. In July 1937, a huge fire at a company warehouse in Little Ferry, New Jersey, would incinerate the only remaining prints of a great many William Fox–era movies. Still, enough remains (reviews, production stories, ads, reminiscences, and once in a while, an actual entire film) that it's possible to discern patterns of theme, style, and intention.

The impression that emerges most strongly, especially from the company's first two identity-defining years, is how deeply personal these movies were, how much they reflected Fox's own experience, outlook, and values. His formal education had ended in the third

grade; his movies addressed the world heatedly and emotionally rather than with cool intellect. Yet, he respected education, missed what he hadn't gotten; so he tried to base all his movies on acclaimed plays, novels, and short stories. Most importantly, the early Fox movies mirrored the world that he had witnessed. Archly melodramatic plots teemed with murder, suicide, illicit sex, madness, alcoholism, compulsive gambling, and ruinous ambition, all often swirled together with dizzying complexity; main characters were fallen women, thieves, drunks, adulterers, and murderers. Although Fox would be criticized for excessive melodrama, he was essentially narrating the facts and themes of his observation and experience.

Death, the menacing presence that had carried away seven of his infant siblings, frequently leapt out in early Fox movies to pounce on large portions of the cast. Three violent deaths occur in the first hundred feet of *The Marble Heart* (1916), which was based on Emile Zola's novel *Thérèse Raquin*. After that comes the murder of a young man, his mother's paralyzing stroke, and the double suicide of the couple who murdered the son. The total length of the movie was only forty-five minutes. In *The Unfaithful Wife* (1915), which begins with a cholera epidemic wiping out most of an Italian town, a deceitful wife and her lover nail the still-living leading man into a coffin and shove him into a vault. (The unfortunate husband was played by former Shakespearean actor Robert Mantell, who declared himself "as enthusiastic as a schoolboy" to be in the movies.)

Some plots simply threw one murderous calamity after another at the characters. After being marooned on a South Pacific island at the beginning of *The Island of Desire* (1916), a young couple is attacked by two gin-soaked, opium-crazed men who set fire to their house. Then an earthquake traps them in a cave. Just after they escape to the sea, a volcano shatters the island and sends white-hot rocks hurtling toward them. Even when the lovers think they've found safety on a boat, they haven't. Inside are the two men who attacked them at the beginning of the movie, and outside, floating on rafts, are hordes of naked, hungry cannibals. After the ship's

crew throws dynamite at the natives, blasting them to bits, the movie has nothing left to do except end.

Fox movies didn't shrink from graphic displays. Particularly gruesome was *The Ruling Passion* (1916), about the wife of a British officer who is hypnotized into joining the harem of an evil Indian prince. One scene shows a slave getting his eyes gouged out with hot irons. Elsewhere: a full view of a skeleton in a casket in *The Green Eyed Monster* (1916); a battlefield strewn with dead and dying bodies in *A Soldier's Oath* (1916); a schoolteacher whacking her brutal ex-husband with a poker and choking him with a rope in *The End of the Trail* (1916).

Emotional pain, too, spilled out onto the screen in torrents. One of the studio's more innovative efforts was *Wormwood* (1915), in which the protagonist, after learning on the eve of his wedding that his fiancée has slept with his best friend, becomes an absinthe fiend —not just a garden-variety substance abuser quietly sinking into despair, but a subhuman creature of restless, writhing agony. The character is tormented by vivid hallucinations—represented in a remarkable 118 double exposures—including several of being stalked by a leopard. "I crawl through the city whining for a soul!" Gaston Beauvais anguishes. "A slinking, shuffling beast, half monkey, half man—my eyes so murderous that, should you meet me, you would shriek for sheer alarm." With its growing catalogue of grisliness, the studio soon acquired the nickname the "Fox chamber of horrors."

In the collective view of the early Fox movies, trouble occurred because of one main reason: unrestrained passion. Characters were always wanting too much of something—sex, money, fame, pleasure, power—or wanting it in the wrong way or from the wrong people. Usually, men wanted sex and power, while women wanted money and power. And very often the root cause was that their original family had failed to provide proper moral guidance. Specifically, the father had failed to lead.

Enter the shadow of Michael Fox. It's difficult to resist the notion that Fox was working out pent-up anger toward his father, that silent soup-slurping presence at the dinner table who hadn't much cared whether the bills got paid and who had effectively compelled his ten-year-old son to drop out of school and go to work sixty hours a week in the D. Cohen garment factory. There were so many bad fathers in the early Fox movies: lazy fathers, irresponsible fathers, drunken fathers, physically abusive fathers, thieving fathers, cheating fathers, gambling fathers. Always they caused tremendous misery to the people around them, especially to their children—sons and daughters both, but more often daughters, because to Fox, girls were more fragile and vulnerable than boys.

Three prominent early Fox movies showed the daughter of a thief nearly ruined by the guilt of association. In *The Battle of Life* (1916), the young woman endures "years of misery" while trying to reform her father's character; she is persecuted by the police and thrown into jail. *The Victim* (1916) tells the story of a poor restaurant cashier (vaudeville star Valeska Suratt) who, falsely accused of aiding her father's bank robbery plot, must endure a sixyear prison sentence. After her release, she marries a young, rich, and kindly doctor, but her no-good father shows up again, to rob her home. While he's hiding behind a curtain, a corrupt detective arrives to try to blackmail the daughter. The father jumps out, kills the detective, and runs away—leaving the daughter to get arrested for the crime and tossed into jail again. Only after being badly burned in a fire, with death imminent, does the father confess to the killing.

At least that father has some shred of a conscience. The father in *The Silent Lie* (1917), directed by Raoul Walsh, is completely ruthless. A gambling hall owner in the Northwest, he is so furious that his wife ran off with another man that he decides to punish their daughter by forcing her to work in his disreputable business. Honest girl that she is, she denounces him for cheating a stranger. The father grabs her, drags her out of town, and leaves her out in a blizzard to die. She survives only because the young stranger has followed and rescues her.

Even Theda Bara's characters could shift some responsibility for their behavior onto their cruel upbringing. In *The Eternal Sapho* (1916), Theda's slum-dwelling ragamuffin has an alcoholic father who routinely lashes her with a whip and in a rage sells her to a sculptor to use for sex and as a model. In *The Vixen* (1916), Theda steals her saintly sister's boyfriends so that she won't get stuck caring for their incapacitated, alcoholic father. What might she have become without that burden?

Sometimes the sins of the father literally kill their children. One of the most chilling illustrations of this theme occurs in *Her Mother's Secret* (1915), the story of a lawyer who leads a double life by having a son with his wife and a daughter with his mistress. After the lawyer refuses to leave his wife, the mistress tries to drown herself. Then the husband and wife accidentally drown on a boating excursion. The son and daughter grow up and, unaware that they are half siblings, fall in love. After learning the truth from her late father's law partner, the girl is so horrified that she drowns herself.

Mothers could also sin. However, because Fox believed that a mother's love for her children was one of life's strongest passions—enter the inspiring light of the long-suffering but always gentle Anna Fox—simply the state of being a mother could ennoble the basest sinner. A number of early Fox heroines were prostitutes or unmarried mothers who willingly absented themselves in order to keep their child's life pure. The main character of *Sins of Her Parent* (1916), for instance, was an alcoholic Alaska dance hall prostitute who silently finances her beautiful daughter's education and entrance into Southern society. Then, forced by her fiancé's father to discover her "heritage of shame," the girl finally meets her mother. Not long after their reconciliation, the mother conveniently gets shot and dies. In Fox movies, mothers routinely sacrificed, with no regrets, to give their beloved children a better future.

But was this the sum of life, only darkness and pain and heartbreak? Of course not. As Fox had pointed out to director Raoul Walsh during their prerelease discussion of *Carmen*, "Who wants to see such an ending?" Movie audiences needed hope, Fox believed, and so he offered it in the same place that it shone in his own life: in the transformational power of romantic love. Fox always credited his remarkable marriage to Eva as an essential sustaining force of his progress, and he believed that anyone could gain similar

strength by seeking love with a pure heart. An early emblematic movie, which became a big success and survives intact, was *The Regeneration* (1915), Raoul Walsh's first movie for Fox. Based on the best-selling book *My Mamie Rose*, by Owen Kildare, the story tells of a young Bowery gang leader named Owen (Rockliffe Fellowes) who goes straight and learns to read and write after falling in love with a pretty society woman (Anna Q. Nilsson) who works in a settlement house. According to the intertitle cards, she shows him "that within me was a mind and a God-given heart. She made of my life a changed thing and never can it be the same again!" Simultaneously, he helps her discover her own noble qualities that her previous "butterfly existence" had obscured. For the quietly but deeply religious Fox, the miracle abided in divine relationship. One intertitle card reads, in glowing letters against a black background, "God is love."

Many of these movies were rough, technically as well as thematically. Reviewers criticized bad lighting, fuzzy photography, scene inconsistencies—a character walking through a door previously established as locked, an American train on a supposedly French landscape—as well as the occasional jarring anachronism. In *Should a Mother Tell?* (1915), set in twentieth-century America, the police use a racklike torture device to interrogate a prisoner and an executioner later brandishes a fifteenth-century two-handed sword. Subtlety was scarce. As one critic commented, the typical Fox movie from this era made its point with "the delicacy of touch that characterizes a sledge hammer when swung by a husky son of Italy."

Audiences forgave. No other major studio was regularly making these kinds of movies. During 1915, its first year of business, Fox Film took in \$3.21 million, more than a tenfold increase over the \$272,401 posted the previous year by the Box Office Attraction Company. Of that 1915 total revenue, profits totaled \$523,000. The following year, gross revenues climbed to \$4.24 million, with profits of \$365,000. In less than two years the company had catapulted into the front ranks of American movie studios and had, according to the trade paper *Wid's Daily*, established itself as "a

concern whose films would, without question, bring money to the box office." It was the fastest arrival the motion picture industry had ever seen.

The fastest arrival, and also the most disruptive.

Sensational, forthright, at times brutally explicit, Fox movies kicked up an unholy ruckus among staid social pillars who believed that the depiction of evil was tantamount to an endorsement of evil. Fox must have expected it. After all, less than a decade had passed since New York mayor George McClellan Jr. shut down the city's movie theaters in December 1908 in response to pressure from conservative clergymen.

Now, nationwide, Fox movies acquired a singularly notorious reputation. In Boston, chief censor John M. Casey barely paused for punctuation as he fumed, "In my opinion, each succeeding subject turned out by this firm advances one step or degree nearer towards the portraying of indecency or filth, and I am absolutely safe in saying that I have received more complaints on the Fox Films than ALL the others together, and if I followed out my judgment I would cut 50% of their output and without doubt they would be prohibited by the Mayor from exhibition in this city." In Seattle, the chairman of the Board of Theater Censors, Sidney Strong, protested that his group was "getting a little nauseated with some of the Fox productions." In Columbus, Georgia, the 600-member Federated Women's Clubs passed a resolution condemning Fox movies, with one club leader explaining, "They work an evil influence on the people who see them, and especially the children."

It wasn't only the sex. Some Fox movie viewers found the violence, even the suggestion of violence, more disturbing. In a series of letters to the National Board of Censors, a male viewer in Seattle protested that although he could dismiss the sex aspect of Theda Bara's *Carmen* as being "of but trifling importance," the brief bullfight scene still haunted him several weeks later. The movie showed only glimpses of an angry bull charging at a terrified horse, but Charles M. Farrar wrote that "these incidents were so burned

into my consciousness that I remembered practically no other scenes in the play . . . I am still suffering from it and I am not particularly sensitive either."

Newspapers amplified the outrage. "Revolting," "degenerate drivel," reviewers wrote, widely portraying Fox movies as fomenting a trend toward sex and sensationalism that was turning upstanding communities into "American Babylonia." "William Fox has some of the best actors and actresses, some of the most beautiful players, some of the best directors, certainly some of the best photographers, and about the best publicity department in the photo play world. He also has a record of some of the worst plays ever filmed," caviled the Cleveland Plain Dealer. "The public, especially the rising generation, needs plays which extol virtue and nobility of character, which take an optimistic view of life, plays which elevate, inspire and teach the joy of living." Even Fox's motion picture colleagues protested. The bluntness of Fox's early movies rattled an industry that, while not shy, was trying hard to shake its low-rent image. "We are anxious to avoid lurid dramas of the objectionable sex variety," sniffed Adolph Zukor, head of Famous Players-Lasky, the home of Mary Pickford.

On a practical level, Fox understood the risks of offending conservative community standards. Local censorship boards, often wielding their power arbitrarily and imperiously, could cause mayhem for theater owners. In Portland, Oregon, for instance, censors who objected to the "disgusting vulgarity" of a peasant's table manners in Theda Bara's The Serpent (1916) banned the movie just after 8:00 p.m. on a Saturday, too late for the manager to change the program. In Pennsylvania, after the studio made all the changes to Theda's Kreutzer Sonata (1915) demanded by the state censorship board, officials decided that now the movie didn't follow the Tolstoy short story closely enough to warrant use of the title and threatened to impose a fine. Around the country, police seized prints of Fox movies, sometimes to the tune of a patrol wagon's clanging gong. Although Fox Film fought back and usually won, the effort involved legal expense, lost ticket sales, and unwelcome controversy for local exhibitors. Some decided the potential profits

weren't worth the trouble. In February 1916, all three movie theaters in Macon, Georgia, announced that when their contract with Fox Film expired the following month, they would not renew.

Still, luck was never far from Fox during these years. A fortunate turn of events soon provided a solution. In late December 1915, the National Board of Censors changed its funding source from its parent organization, the People's Institute, a New York City-based social welfare organization that had established the Board in 1909, to the motion picture industry itself. From now on, the Board of Censors would derive its \$30,000 annual budget from film producers who would pay \$3.25 per reel for a review. Fox quickly understood the implications. Because compliance with the Board's recommendations was voluntary, producers would have to feel they were getting their money's worth and not being held to overly stringent standards. Therefore, in order to survive, the Board would have to become a handmaiden to the studios.

Previously Fox hadn't paid much attention to the National Board of Censors. When it rejected *A Fool There Was* because of its "sensuous love scenes and carousals of immoral women and degraded men," he hadn't bothered to make any changes. Now that the organization was amenable to influence, he began to court it assiduously. He made lofty promises: of course he would tell his directors to stop filming risqué scenes (as if he hadn't been the one to order those scenes in the first place), and of course he would keep a much closer watch over his branch office managers, who somehow had been distributing uncut movies instead of censored versions that incorporated the Board's recommendations.

He even consulted with Board members while making and editing his movies, in order to forestall trouble. He also spent handsomely to build legal bulwarks around his movies. This was one reason he had been willing to pay high prices for hit plays: the courts had held that if a movie were based on a work that had been permissibly performed on the legitimate stage, then the movie version could not be banned as salacious. "Mr. Fox desires to work at all times in perfect harmony and sympathy with the National Board so far as it is feasible to do so," a Fox Film official assured the

Board.

Humble appearances masked shrewd gamesmanship. Fox soon had Board officials working on his behalf. They wrote letters justifying Fox movies to outraged patrons, brokered meetings between out-of-town municipal censors and Fox Film executives, and sent speakers around the country to promote the message that motion pictures were made for adults rather than children. The latter activity was crucial to undercut claims that movies should be highly censored in order to avoid corrupting innocent young souls. Under the weight of this extra work, however, the Board's leaders began to grumble. Why should they have to pay all the travel expenses and sometimes an honorarium to the speakers in order to put money in the pocket of film producers? "There is no company in the motion picture business, aside from D. W. Griffith's Productions, to whom this matter is more vital than to your company," executive secretary W. D. McGuire Jr. wrote to Fox Film general manager Winnie Sheehan. How about an extra \$100 a week to subsidize this "fundamental educational work"? Fox agreed instantly, if not with great enthusiasm. Although the payments were supposed to last for only six months, the arrangement—the shakedown, really-would continue from November 1916 until September 1919.

Underneath Fox's pragmatic manipulation lay genuine conviction. He seems truly to have been shocked by the scowling hubbub, insisting that he never had any interest in appealing to audiences' "sordid curiosity" and that he, too, fully disapproved of "salacious" sex dramas. Indeed, in real life he had refused to pick up easy money by providing inducements to sexual promiscuity. At his Audubon Theatre entertainment complex on Broadway at 165th Street, the huge, second-floor Danse d'Hiver dance hall served no liquor even though most competitive venues did. "I don't want that kind of money," Fox said. "I don't want to cater to the class that regard [sic] alcoholic drinks as a necessary dancing inspiration." Further to his "clean policy," about a dozen chaperones and floor managers (middle-aged women and husky men) in plainclothes routinely monitored crowds as large as fifteen hundred for

inappropriate behavior. As one newspaper reporter noticed, the slightest trace of suggestive dancing immediately provoked a hushed but firm warning of "Please be careful. That is not allowed." One young man who had casually draped his arm across the back of a young woman's chair was discreetly advised to remove it.

That was the way people ought to behave, Fox believed, but his movies would not turn a blind eye to the way people actually did behave. As a July 1915 trade publication ad explained, "[O]ur pictures deal with Life. The Fox features don't adopt a sugar-andwater attitude towards the facts of existence. They are real pictures of real men and women, not pictures of sweet-scented substitutes for human beings, behaving as no mortal beings ever did or ever will. That is why William Fox features are so immensely popular. Because they are real, and sincere."

Real and sincere and also "pre-eminently moral." Peppering his movies with biblical quotes such as "The wages of sin is death," Fox vigorously defended even Theda's movies. These, he claimed, were updated versions of classic tragedy, with the modern siren enchanting the hapless male so that "he forgets, like the old Greek voyagers, wife, child, home, everything but her and her charms. And, as in the old Greek dramas, the victim is carried swiftly, surely, relentlessly, pitilessly to a tragic end." That might have been overdoing it, but Fox truly believed that contemporary audiences wanted hard truth rather than fluffy fantasy.

Motion pictures were growing up, he understood. His detractors—those sore-head old-timers who "can't make the money they used to with any old catch-penny feature since William Fox entered the field and showed them what real pictures are"—ought to wake up. As he put it, "That dull rumbling in the distance is the Doomsday bell sounding the knell to big profits on junk pictures."

Another challenge during the feature film's formative phase was the way that a story's meaning might change through adaptation from another medium. Who was watching and the way they were watching mattered. As Fox discovered, mass-market interpretation

could override creative intent to the point of violence.

He really meant no harm by *The Nigger* (1915). In fact, he meant to do some good. Recognizing that racial prejudice was "a modern problem that must be faced fairly and squarely by the people of the United States," Fox hoped the movie would function as a plea for racial harmony. He had good reason to think so. The source material was a play of the same name written by Harvard graduate Edward Sheldon for the New Theater, the so-called "millionaire's playhouse" on Central Park, where it had been named the best American play for 1909. Among that theater's patrons, *The Nigger* was considered to have a progressive message. Even NAACP president W. E. B. Du Bois found the play unobjectionable.

Although Fox's *The Nigger* has been lost, reviews indicate the movie version followed the text of the play closely. Assigning William Farnum to the lead role, Fox sent the production to film near Augusta, Georgia, with a reported budget of \$100,000. No one considered whether material that had passed easily by a privileged, culturally homogenous elite might prompt offense among patrons with more diverse life experiences—or whether people who had paid coins rather than dollar bills for their tickets, and who were looking at images of people on a screen rather than real people on a stage, might feel less constrained in expressing negative reactions. In fact, the only people Fox expected to nettle were Southern segregationists, and so the movie was filmed under the bland title *The New Governor*.

There was another way to view the story. Farnum played Philip Morrow, a law-and-order sheriff from an aristocratic background who becomes governor of a Southern state after a campaign financed by political boss and distillery owner Cliff Noyes. Soon after taking office, Morrow signs a Prohibition bill that he hopes will protect the Negro race from its own supposed weak nature. This enrages Noyes, who sells his cheap whiskey primarily to blacks. Noyes gets revenge by telling Morrow the alleged terrible truth about his, Morrow's, heritage. Ads for the movie quoted the confrontation:

PHIL: Are you tryin' to tell me with a straight face, Cliff, that my gran'mothah was a niggra?

NOYES: What I'm tellin' you is not only that yo' gran'mothah was a niggah, Phil, but that yo'a niggah too. Now you've got it square between the eyes!

According to ads, Morrow is "crushed, but not broken by the fearful revelation of his 'nigger' ancestry," and "faces the blow manfully." After confessing "the taint" to his fiancée, he demonstrates "heroic self sacrifice" by breaking off their engagement and resigning from the governorship in order to "devote the remainder of his life to the uplifting of the negro." The movie included scenes of a "fiendish, mouth-frothing" black man about to attack a white girl to commit "the usual crime," presumably rape, and then getting chased by bloodhounds. (Reports varied as to whether the subsequent lynching was actually shown.) Other scenes depicted mobs of drunken whites and blacks killing each other in race riots.

Protests over the noxious title preceded the movie's New York City opening, causing Fox to bill it as *The New Governor* when it premiered at the five-thousand-seat Hippodrome theater on March 29, 1915. However, when the studio sent the movie out into nationwide release shortly afterward, some copies were titled *The Nigger*.

Across the country, rage erupted kaleidoscopically. Everyone, it seemed, found a different reason to detest the movie. In Augusta, where some fifty thousand residents had taken part in the film's mob scenes and the mayor had appeared in a small part on the assumption that it was a different movie, many felt betrayed and, although the idea soon withered, talked about trying to prevent exhibition of *The Nigger* throughout the South.

Nationwide, African Americans were appalled by the movie's premise that black skin denoted inferiority. In Elizabeth, New Jersey, a near-riot occurred when a black clergyman and the editor of a black newspaper stood up in the crowded Proctor's East Jersey Street theater and asked the audience to leave. The theater manager

called the police, who arrested the two protesters. In Portland, Maine, where the movie played at the Keith's Theatre, a black minister, Rev. W. H. Lamar, charged that both the title and the plot were offensive and likely to incite racial prejudice. Protests also occurred in towns as varied as Anaconda, Montana; Newport, Rhode Island; Gary, Indiana; St. Paul, Minnesota; and New Bedford, Massachusetts. Fearing violence, some communities banned the movie. Most notable was the entire state of Ohio, where, in mid-April 1915, after *The Nigger* opened in Cleveland, Governor Frank B. Willis revoked the movie's permit statewide. Pittsburgh also banned the movie. "I pray to God I may never gaze on such again," the Chicago Defender, a leading black newspaper, wrote about the movie. "There is nothing but brutality, crime and race-hatred displayed throughout the play. This play is intended to teach the weak minded of the white race to keep alive the acts of the old ante-bellum days."

Was it really that bad? Surprisingly, the NAACP didn't think so. National secretary Mary Childs Nerney described the movie, even with the title *The Nigger*, as "sympathetic to the colored man" because "Motive for all crimes laid to drink and not to race." Besides, the NAACP had bigger fish to fry. D. W. Griffith's *The Birth of a Nation* was in theaters at the same time, and the organization chose to focus its protests on that "really outrageous" movie instead.

Fox was stunned by the uproar over *The Nigger*. He let the movie play itself out and then quietly put it back on the shelf. He didn't give the matter much more thought. He had a future to build.

Overall, though, these early years were an exciting time. Experimenting, improvising, innovating, Fox and his colleagues were helping to invent the American feature film. There were no rules.

Once, behind in his release schedule, Fox bought a pile of scrapped film footage from another production company and spliced the scenes together into an entirely new story. "The aunts

became grandmothers and the grandmothers became friends, and ... where we were missing anything, we just substituted a title," Fox recalled. "It was previewed, and the trade papers all agreed that it was a fine picture. It was a success." (The movie was probably *A Woman's Honor*, directed by Roland West and starring Josie Collins, which Fox purchased in the spring of 1916 from his friend Marcus Loew.)

Another time, after an unexpected blizzard dumped snow onto the Spanish set of a planned Theda Bara movie, director Raoul Walsh suggested, "Well, Mr. Fox, I think that if we put a few domes on the set, we can change it to a Russian picture." Fox agreed, and after Walsh made the movie in less than a month, the sales force arrived in New York for previews. Walsh recalled, "Some fellows from Cincinnati were saying, 'Gee, we advertised a Spanish picture. Where the hell is it?'"

With his business still on a manageable scale, Fox could get directly involved in production. He was particularly good at solving problems with actors because, although he had failed as a stage performer, "I knew the actor's habits, his ideals, what he hoped to accomplish." Rather than just issue orders, he usually reached for a more imaginative solution. On the set of Princess Romanoff (1915), star Nance O'Neil refused to shriek in horror when her character learns that her fiancé murdered her beloved husband ten years before. O'Neil insisted that the woman would show no emotion because she cared only about the future. After director Frank Powell spent more than a week shooting the scene unsuccessfully, Fox went to the set and had a few words with the leading man. On the next take, the actor stared hard at O'Neil and swore, "You damned rotter, you!" O'Neil shrieked, went into a frenzy, and fainted onto the ground. When she revived, she was furious at the trick and stormed off. No matter. That was the last scene to be filmed, and critics praised O'Neil's acting in it.

A short while later, director J. Gordon Edwards asked Fox to take him off *The Blindness of Devotion*, because he didn't know how to tell Robert Mantell, the renowned Shakespearean stage actor, that his very noticeable limp was ruining the look of the picture.

Don't worry, Fox reassured Edwards, he'd think of something. The next morning, Fox advised Edwards to stage a fight scene in a club where Mantell's character got shot in the leg. "Mantell did not know what the purpose was of this shooting, but of course he was told he was shot in the leg and would have to limp. Of course, he did it very naturally," Fox recalled.

A more complicated challenge occurred with vaudeville star Valeska Suratt, who was filming her movie debut in Fox's *The Soul of Broadway* in 1915. Fox had negotiated for months for her services and agreed to pay her a handsome salary. Then Suratt and director Herbert Brenon argued about his instructions for a scene in which her character sees a former boyfriend doing hard labor. "She was supposed to be happy at the idea that he was out there chopping those stones into small pieces," Fox recalled. "Miss Suratt turned around and said, 'Herbert, dear, I can do anything but sneer at a prisoner. I will laugh at him, but I will not sneer.'"

Brenon held firm, so Suratt walked off the set. Having been forewarned about the actress's headstrong nature, Fox had taken precautions. With the movie 90 percent complete, he announced to the press that *The Soul of Broadway* was ready for release.

"What is this rubbish about the picture being published?" Suratt demanded, barging into Fox's office.

"Mr. Brenon is very angry and he has decided that the play is complete without any more scenes," Fox replied, deflecting responsibility for the choice that had actually been his. Then, reminding her of a scene in which she rolled down a flight of stairs, he explained, "Of course, you got up and walked away, but the camera only photographed you as you lay on the ground and so we entitled it, 'And poor Suratt died from this fall.'" Suratt got the joke. Throwing her umbrella and handbag into the air, she started laughing and agreed to return to shoot a real ending. "From then on, she was one of the most obedient performers we had."

In his whole life, Fox said years later, he'd enjoyed nothing more than producing these early movies.

A Daughter of the Gods (1916)

Even people who knew him well often described Fox's confidence as imperturbable. It wasn't. It bothered him to be considered a sex

as imperturbable. It wasn't. It bothered him to be considered a sex merchant, a corrupter of morals, and a danger to small children.

Essential though money was, Fox realized, it would never be enough. As profits flowed in, he thought about the purpose of his life and the nature of the legacy he would leave. Did he want, he asked himself, to live mainly for monetary gain, only to end up "buried under an imposing pile of stone"? No, he decided. He wanted to make movies that would earn his name "the respect and attention of educated, well-bred people for generations to come." He wanted to develop screen artists on a par with writers such as Galsworthy, Maeterlinck, Dreiser, Wharton, and Gorki.

This was not to say, however, that Fox was prepared to give up his winning formula of sex and violence. For one thing, he still didn't see what was wrong with those movies. For another, their profits kept Fox Film going. But now he could afford to take chances—the sort of chances that wouldn't really be chances if he knew his audience as well as he believed he did.

Fox defined the challenge primarily in terms of scale and splendor. To win respectability, he would do as all the great American entrepreneurs had done: impose his vision spectacularly on the landscape of his industry. His great movies would be long movies, lavish-looking movies, magnificently presented movies. They would deal with big, important subjects and would win over

even the skeptics who refused to admit that film could ever be an art.

Again, timing benefited Fox. He had entered the industry when it was willing to welcome anyone with a surfeit of energy and enthusiasm, and now the restlessly expanding American economy wanted the movies to be big. By the mid-1910s, movies had become the nation's fifth-largest industry (after agriculture, transportation, oil, and steel), representing a \$500 million investment and drawing a weekly audience of ten million Americans—one-tenth of the population. Nineteen fifteen was the pivotal year when the industry turned away from shorter, two- and three-reel movies and began concentrating on five-reel features that ran at least an hour long.

Nineteen fifteen was also the year of the first great American blockbuster. Premiering in Los Angeles in February 1915 and in New York City the following month, D. W. Griffith's three-hour *The Birth of a Nation* became an extraordinary success. Despite its two-dollar top ticket price and relentless controversy over its demeaning depiction of African Americans, the movie packed theaters coast to coast, month after month. "How soon will we have another *Birth of a Nation*? That little inquiry can be heard rather generally these days," reported the trade paper *Wid's Daily* in November 1915. "There is not so much doubt any more about there being another coming: it is more of a question, 'Who will do it?'"

Actually, for Fox that wasn't much of a question. He was already at work answering it. To prepare the market, in the spring of 1915 he had ordered all his branch offices not to rent movies to any exhibitor who charged less than ten cents a ticket. As Winnie Sheehan explained, why should a studio invest in a great movie "only to make it possible for a person to walk into a theater by laying down a nickel and see that picture put on the screen to the accompaniment of an orchestra of twelve pieces and a \$40,000 pipe organ? It's all out of reason."

By the summer of 1915, Fox had begun preproduction on the first of a series of spectacular movies that would trample the industry's existing boundaries and confirm the "event" movie as an integral element of American moviemaking. He went about it with

his characteristic practicality. First, he jotted down a list of the five most successful movies to date, identifying their biggest dramatic moments and most thrilling sequences. Next, he estimated each movie's budget. Then, studying the information, he resolved to produce a movie that would outdo all of them in cost and scale. His movie, he declared, would be "so gigantic, so immense in scope," that for at least the next ten years, no one would dare try to rival it.

That movie became *A Daughter of the Gods* (1916). Fox chose this particular project mainly because of its writer and director, Herbert Brenon, whom he had hired in early 1915 and who had since ably directed four Theda Bara movies (*Kreutzer Sonata*, *The Clemenceau Case*, *Sin*, and *The Two Orphans*).

Brenon's talent mattered greatly to Fox, and so, equally, did his personality. Born in Dublin, Ireland, to a wealthy family and educated at King's College in London, he was the younger brother of noted New York Morning Telegraph music critic Algernon St. John Brenon. Herbert Brenon exuded the sort of polished, cosmopolitan confidence that Fox sought so eagerly to cultivate in himself. In addition to giving Brenon extraordinary professional freedom, such as the power to pay cast and crew members whatever salaries he saw fit, Fox enthusiastically pursued the director as a close friend. He entertained Brenon frequently on his houseboat, the Mona Belle *Stop-a-While*, purchased from disgraced former chamberlain Charles Hyde), on the Hudson and kept his office door open to him for intimate chats. "It was a friendship almost emotional in its intensity, for the very reason that it seemed a contradiction to exist at all," commented a mutual acquaintance, journalist and screenwriter Randolph Bartlett. "But Fox recognized Brenon's imaginative powers, and Brenon appreciated opportunities Fox gave him."

Beneath the surface, the two men had a lot in common. Like Fox, Brenon had been wounded by his early family life. His mother left his father, a drama critic, and uprooted her children so she could pursue a not-very-successful journalism career in the United

States. Brenon was sixteen at the time, and he soon had to cut short his formal education to go to work as a three-dollar-a-week office boy at a Pittsburgh real estate firm. Like Fox, Brenon adored his mother—a flamboyant figure whose literary salons in Europe had attracted Oscar Wilde, James McNeill Whistler, and Charles Parnell —and deeply felt the absence of his father. But whereas Fox had responded to his childhood unhappiness by becoming the father he thought he should have had, Brenon had found a replacement authority figure in his older brother Algernon. And now Algernon Brenon was dying of kidney disease; he wouldn't last out 1915. The old loneliness surged back upon Brenon. For his part, Fox had no son to raise as he wished he'd been raised. If a parent-child relationship wasn't entirely appropriate because Brenon was only a year younger than Fox—well, nature didn't insist on constantly reminding them of that fact. In 1915, thirty-six-year-old Fox, with his already thinning hair and bottlebrush mustache, could have passed for an older man. By contrast, Brenon, who was short and slightly built, blue-eyed, with wavy brown hair and boyish features, had yet to look his age. "He was Fox's little baby," commented Annette Kellermann, who had starred in Brenon's breakthrough movie for Universal, Neptune's Daughter. "He [Fox] would do anything for him."

Truly anything. In early 1915, Brenon pitched Fox the idea of making a bigger, better version of *Neptune's Daughter*, the fantasy love story he had filmed for Universal in Bermuda with a cast of more than two hundred. That seven-reel movie, which had played more than six months in New York and Chicago, was one of the most successful productions of its day. Not the least of its attractions had been the shapely Kellermann, an Australian-born swimming champion known as "The Diving Venus," in a flesh-colored body stocking that made her look naked. He'd get Kellermann again, Brenon promised Fox, and together they'd all make a movie so magnificent that it would conclusively establish the artistic legitimacy of film.

Someone in a more rational frame of mind might have balked. The projected costs of Brenon's proposal were staggering, and in early 1915, Fox Film had not yet generated a positive cash flow. Moreover, Fox had no experience with fantasy movies; this wasn't his kind of project. Brenon's charm dissolved all of Fox's financial caution. Instantly, he agreed to make the movie, promising to provide as much money as necessary. "If any other director would have written a synopsis of this kind and asked me to spend \$25,000 on it, I absolutely would refuse to do it," Fox later wrote to Brenon. "But with you, my dear Herbert . . . I naturally put my judgment entirely aside."

While reason rested, hope soared. Collaborating closely on the script, which Fox named A Daughter of the Gods, he and Brenon sketched out an aquatic, action-adventure romance about two young lovers struggling against tremendous odds to find each other in an exotic Eastern kingdom. Bad witches, good fairies, mermaids, and gnomes abounded. Fox seemed so much in awe of Brenon's imagination that, by contrast, Annette Kellermann felt he treated her and her husband, Jimmie, "like imbeciles." It wasn't that Fox didn't admire Kellermann. He agreed to pay her \$1,500 a week, twice Brenon's salary. Nor was it that he didn't care about her. "It sounds entirely too dangerous to me," he fretted, drawing blue lines through a scene Brenon had written that called for her to dive off a waterfall with her hands and ankles bound. (When she insisted she could easily handle the stunt, he reinstated it.) But as "a very prosaic, matter of fact, and businesslike person," she lacked the sense of enchantment necessary to enter their private world.

Literally, Fox set no boundaries for Brenon. "Cast your eyes about the world and decide upon the spot where you can get from nature the things this picture demands," he told the director. "Forget about New York, forget about . . . the business end of this industry." Brenon settled on Jamaica—a seemingly odd choice when so much of the rest of the industry, also seeking sunshine and warmth, was heading toward California. At the time, though, Jamaica appeared to have a number of strategic advantages. In addition to offering a lush landscape and unusually clear water for underwater filming, the island urgently needed money. As a British possession that had been under martial law since the outbreak of

war in Europe the previous summer, Jamaica had suffered a steep decline in tourism and in foreign trade because of a shortage of ships to export its sugar, rum, tobacco, coffee, and cocoa. Furthermore, the first five hundred of an eventual ten thousand able-bodied Jamaican men were due to leave soon for overseas combat.

Desperate to avoid economic collapse, local British military and civil authorities offered to help Fox Film in every way possible. Jamaica also had a cheap native labor force unlikely to be as picky about conditions as the increasingly unionized U.S. workforce. Indeed, Fox Film would pay only \$1.50 a day each to the seven hundred Jamaicans who toiled in pelting rain to install water systems, electrical power, and telephone equipment. And as an island colony ruled by a distant nation with more urgent concerns elsewhere, Jamaica wasn't apt to have any officials keeping a sharp eye on alterations to the natural terrain. There would be major changes. During the summer of 1915, a Fox Film cadre of engineers, electricians, and sanitarians began to overhaul the island's topography by clearing away acres of raw jungle, diverting the Roaring River to create a waterfall, and razing a range of hills to make room for a battlefield.

By the time Brenon and the *Daughter* cast and crew arrived in Jamaica in late August 1915, Fox money had built two elaborate location sets. One was a pristine, ten-acre, all-white Moorish city capable of housing twenty thousand. Built on the cleaned-up swamp grounds of the abandoned Fort Augusta, near Kingston, this featured a Taj Mahal–style sultan's palace, a huge slave market, mosques, minarets, battlements, and fortifications. The other set was "Gnome Village," located some sixty-five miles across the island, in the virgin rainforest at St. Ann's Bay. There, carpenters and masons had created a miniature village of giant toadstools and miniature thatched huts where some one thousand local children would play a race of small people. (The inspiration for Gnome Village may have been the popular "Dwarf City" attraction at the late Big Tim Sullivan's Dreamland amusement park, which was populated by one thousand little people dressed up as shopkeepers,

police officers, firefighters, musicians, and Chinese laundry workers, with small-scale buildings, miniature horses, and bantam chickens.) In Kingston, for interior scenes, the studio took over an abandoned King Street movie theater and built its own photo lab with a \$5,000 ice plant to ensure the proper water temperature for film processing.

Whatever Brenon wanted, Fox gave him. Soon after arriving in Kingston, the director decided he needed to take over the entire Rose Gardens resort hotel. Fox officials signed the lease. Brenon also wanted the entire Osborne Hotel at St. Ann's Bay, near Gnome Village. He got that, too. He had even been allowed to bring along a seven-piece orchestra and a conductor. For a silent film? Of course. The emotional power of music, Brenon believed, stimulated his imagination and helped inspire actors. Locally, he hired a wardrobe team of twelve hundred native women, who commandeered every available sewing machine on the island and began stitching more than ten thousand garments, which included wild animal costumes, richly embroidered silk and brocade robes, pearl-trimmed Indian gowns, and more than two hundred metallic mermaid tails. By the first payday, Brenon had run through his entire supply of gold coins -\$200,000 worth, brought along because of the difficulty of getting money while in Jamaica—and had to use confusing local currency. Fox immediately shipped down more gold.

Money would not be a problem. Fox Film announced that it was prepared to spend \$1 million on Brenon's movie. "And understand me, I mean a million and not a couple of hundred thousand dollars," Sheehan told the trade press in mid-September 1915. No one had ever spent \$1 million on a movie before. The industry's reigning extravaganza, *The Birth of a Nation*, had cost an estimated \$110,000 to \$300,000. A million dollars: in 1915, that was almost 1,500 times the average U.S. worker's annual income of \$687, and it would have bought 312 brand-new homes with some spare change left over. Although it's certainly true that most movie producers exaggerated wildly, it's also true that toward the end of his life, with nothing to gain by telling a lie, Brenon acknowledged that Fox had spent at least \$800,000 on *A Daughter of the Gods*.

At first, Brenon gave every appearance of appreciating Fox's generosity. He gushed to a reporter, "I cannot say enough in grateful appreciation of William Fox. I regard him as the greatest genius in the motion picture field." Naturally, he added, he would be happy to follow Fox's "wonderful" advice regarding *A Daughter of the Gods*. Brenon trusted Fox so much that he hadn't bothered to get a written contract and, on the strength of a handshake deal alone, had agreed to direct the movie for \$750 a week.

The idyll didn't last. It couldn't. For one thing, Brenon was in over his head. Who wouldn't have been? Fox expected him not only to turn out a masterpiece, but also to establish a permanent winter studio for Fox Film in Jamaica and to supervise several other directors who were also shooting there. Brenon soon became frightened, depressed, and overwhelmed. Come down and help me, he pleaded in a letter to Fox. You have to, it's your duty. But Fox had too many other responsibilities to hold Brenon's hand. Thousands of employees depended on him "every minute of the day," he wrote back. He had to remain available to all his directors and, right at the moment, he also had to salvage three subpar movies that were sitting on the shelf. But he had complete confidence in Brenon, Fox insisted. And there was nothing that he, Fox, wouldn't do for him from a distance. "I want you to believe me, my dear Herbert, that I am straining every nerve and every muscle in my body to keep you pleased," he wrote. "I have and I intend to comply with almost every wish and whim as it strikes you."

It wasn't enough. Feeling abandoned, Brenon angrily reassessed their relationship. He had never felt comfortable in his subordinate role. On those houseboat cruises with Fox along the Hudson, during their intimate chats, he had often felt ill at ease, "rather small." He worried that Fox would "get under the surface and discover the REAL ME and I never thought I was really so hot!" Rebelling, Brenon decided that if Fox wanted him to take charge, he would do so with a vengeance. Calling himself "Director General," Brenon now tossed aside the script that he and Fox had labored over in New York and, with his imported seven-piece ensemble playing in the background, he dictated a new synopsis to his secretary. Then

he set that synopsis aside as well. He would rely on artistic intuition instead. His process for making *A Daughter of the Gods*, he later explained, was to "absorb" the essence of the story and then "begin with the great moment. From that big scene I radiate towards the tributary scenes. I let my imagination absolutely run wild with every particular sequence." Mentally, Brenon reduced Fox to the role of a mere money supplier and dismissed the importance of that function by continuing to spend as if money were actually quite easy to come by.

For months, Fox failed to detect Brenon's change of heart. He saw what he wanted to see, which was that his "dear boy" had recovered his characteristic enthusiasm and optimism. And he remained convinced that Brenon was going to surpass D. W. Griffith, who, Fox gleefully noted, was so busy supervising other directors at Triangle–Fine Arts that he had neglected his own work. *Intolerance*, Griffith's follow-up to *The Birth of a Nation*, wasn't going to be a great movie, Fox predicted, and that "leaves the field entirely open to us."

A million dollars. Brenon raced toward that number. He wanted exotic animals. Fox promptly tracked down eight lions, six leopards, four elephants, and five camels and offered to send the entire menagerie to Jamaica at a rental cost of \$200 a day. "When ordering your animals, don't be influenced by any streak of economy if you think that a larger number are required," Fox wrote to Brenon. "I leave the matter entirely to you for you to use your own judgment." Swans? Brenon wanted twelve. "Shipped today eight swans. Difficult to get twelve," Fox cabled Brenon. "Wire if you want other four." Yes, Brenon did want the other four. But New York didn't have four more swans for rent, so Fox found them in Philadelphia and put them on the next available boat. The movie's nonhuman cast would eventually include thousands of Jamaica's fastest and best-trained horses, ten alligators, fourteen swans, ten camels, two thousand head of cattle, eight hundred sheep, one thousand donkeys, two thousand lizards, twenty-five hundred toads, and a flock of sparrows imported from New York.

Brenon even got to dictate staff choices at the New York City

headquarters. He didn't like the Fox Film publicists Goldfrap and Selig, who had come up with the Theda Bara vamp campaign. In September 1915, Fox dismissed the entire department and hired Fred Warren, a close friend of Brenon's brother Algernon, as the new head publicist. "Have instructed him [to] do everything in his power to help you. Please stop worrying," Fox cabled Brenon. After Fox required Warren to submit all *A Daughter of the Gods* publicity material to Brenon every week for approval, Warren began writing sentences that described Brenon as "the greatest living genius in the field of film drama."

Did a director ever have it so good? "Tell me, Herbert dear, ain't I like a fairy Godmother: just wish for anything, and when the next boat gets to Kingston, it is there," Fox wrote.

Floridly emotional, some of Fox's letters to Brenon took on an uneasy, almost suffocating intensity. "Nothing would please me better now than to fondle and caress you as though you were my own boy, for I don't think there ever was a man who loved you more than I love you," Fox wrote to Brenon in early November 1915. A week later, he added that if he had known Brenon would remain on location for so long, "I think I would have hesitated, not because of the expense, but only because I hardly would want to have you away from me for any such length of time knowing it in advance. And believe me, I miss you and miss you very much."

Although to contemporary readers such language may raise eyebrows, it's unlikely that any physical relationship occurred. No evidence suggests that Fox ever dabbled in homosexual behavior at any time in his life or that Brenon, who was married, did, either. Rather, Brenon was the first close friend Fox had ever had. Fox's relationship with Marcus Loew, one of warm admiration, was always circumscribed by their professional rivalry. Sheehan, upon closer examination, had been cut from morally cheap cloth. With Brenon, all of Fox's suppressed longings for male companionship came tumbling out. They seemed to be equals in spirit, and Fox yearned "to sit down with someone who is not afraid of me and in whom I have confidence, so that I can have a heart to heart talk with him and review all my present acts and all my future acts."

With so little experience in defining emotional boundaries, starved for friendship, Fox unleashed a torrent of pent-up feelings.

For months Fox sustained his adulation of Brenon purely on faith. As of mid-November 1915, some two and a half months into filming, Fox still hadn't seen a single frame of *A Daughter of the Gods*. "You can imagine how great the suspense is with me sitting here and craving to see some of it, and being told that it is being shipped on this boat and on that boat and on the next boat," he wrote to Brenon. "But, really, my dear Herbert, I am anxious to see some of the film." Still, he continued to trust Brenon completely. "You know best what to do," Fox wrote. "I would rather take your judgment in place of my giving any suggestions."

Unknown to Fox, however, Brenon kept going further and further off the rails. Shouting instructions through a five-foot megaphone that was almost as tall as he was, the director kept six cameramen filming every big scene from different angles. He might not know in advance what he wanted, he reasoned, but surely he would recognize it when he saw it. He also took foolish chances with the safety of his star. Intent on realism, Brenon ordered Kellermann to dive into a pool containing six crocodiles (five of them watching her with open mouths and the largest one measuring fourteen feet long) and swim around for a while. Fox had thought Brenon would use props, and even when he saw the footage, he refused to believe the animals were real. "Gee, those dummies are wonderful!" he exclaimed. Brenon also had Kellermann, with her arms bound by heavy ropes, get thrashed against a ragged coral headland by twenty-five-foot waves. As a result of that ordeal, she suffered cuts from her shoulders to her waist, and three times had to be dragged unconscious from the water. In other scenes, the actress dived 103 feet off a lighthouse tower into the ocean, nearly got burned at a stake, and while wearing a suit of armor and riding a horse, fought a sword battle on a seawall before toppling into the water with the horse, which immediately began scrambling and kicking at potentially fatal proximity. Even in Gnome Village, Kellermann wasn't safe. Athough the child actors were no older than nine, they took to their work vigorously, throwing stones at

her and beating her with sticks. Kellermann insisted on doing all the stunts herself: "I had no sense of danger. I really didn't." Brenon later conceded that it was a miracle she had survived *A Daughter of the Gods*.

Eventually, inevitably, Fox's curiosity turned to worry. Would *A Daughter of the Gods* be ready for a Christmas 1915 release as originally planned? Go over and take a look, Fox instructed J. Gordon Edwards, who was also in Jamaica, directing *A Wife's Sacrifice*. The quiet, gentlemanly, forty-eight-year-old Edwards kept such a low profile that some years later Brenon couldn't remember his visit. Brenon did, however, heatedly recall the appearance slightly later of Fox Film general representative Abraham Carlos, who would soon become head of Fox's West Coast studio. Showy, self-important, sporting a straw hat and a jaunty smile in his publicity photo, Carlos had little common sense and a tendency to throw his weight around. Brenon, who was constitutionally short on patience—stupidity enraged him "just as a red rag does a bull," commented a journalist—argued violently with Carlos and ordered him off the set.

Christmas 1915 came and went. Grievously behind schedule as 1916 began, Brenon sent word to New York that he wouldn't be finishing anytime soon.

"All of a sudden they [Brenon and Fox] were fighting like cat and dog," Annette Kellermann remembered. Kellermann believed the precipitating factor was Brenon's mother, whom the director had, as usual, brought along on location while leaving his wife, Helen, at home. According to Kellermann, "Herbert Brenon's worst enemy was his mother. She was one of those mothers. She went everywhere with him and everything that Herbert did was just right."

Brenon did have legitimate grievances. It wasn't easy making the world's biggest movie on a backward tropical island, especially when almost all of the supposed advantages had turned sour. Balmy weather? Heavy rains plagued the first few days of production in early September 1915. Then, on September 25 and 26, a hurricane hit Jamaica, causing substantial property damage. Abundant natural

wonders? On the first day, crew members noticed shark fins racing across the inlet to St. Ann's Bay. It turned out that the waters were infested with blue-nose, white, gray, tiger, and hammerhead sharks —hundreds of them—some as long as fifteen feet and most weighing between 230 and 350 pounds. To protect the mermaids, who could hardly swim away quickly with their legs bound by their fishtail costumes, Brenon had to hire both a motorboat patrol to explode dynamite at the entrance to the bay and a crew of local men to harpoon any of the more venturesome beasts. As for the relaxed, languid local culture, it was too much so. Stores were open only from 8 a.m. to 4 p.m., with a half-day on Wednesday, limiting the availability of supplies to a movie crew that worked every day, usually from 7 a.m. until 11 p.m.

Most exasperatingly, the cheap native labor force turned out to be no real bargain at all. Many of the factors that made workers cheap also made them unreliable, inefficient, and discontented. Every day, Brenon had to supervise an average of 7,600 employees, most of them drawn from the diverse local population of whites, Hindus, Jamaican natives, and "maroons," the latter being runaway slaves who inhabited the nearly inaccessible island interior and who had survived largely through a staunch distrust of whites. None of the locals had any film experience, of course. Yet as extras, they were armed with battle-axes, spears, swords, and other weapons. During the first day of filming, forty people were injured and the following day twenty-seven. After that, injuries tapered off to an average of twenty per day. The locals were also less than charmed by this latest foreign invasion—possibly they'd had enough of imperialism of any sort—and began pilfering items, often pieces of their military costumes, from the sets. The losses became so frequent that an incensed Brenon arranged to have Kingston's chief magistrate hold court every day at 5:30 p.m. on the steps of the Moorish mosque set, with Brenon acting as the prosecutor. Following the end of each day's session, several culprits usually got tossed into jail, some for offenses as mild as swearing.

Fox tried hard to heal the breach with Brenon. With so much of his money and reputation staked on *A Daughter of the Gods*, he

really had no choice, and in general he didn't like to argue because "where there is dissension, there cannot be great success." So he continued to send money, sometimes as much as \$34,000 a week, and every week, a United Fruit Company steamer brought more provisions down to Jamaica. Altogether, Fox Film would ship more than a thousand tons of supplies to *A Daughter of the Gods*. Fox also continued to indulge Brenon's flights of fancy. In January 1916, even after the arguments started, he paid \$7,000 to have ten camels shipped down to Jamaica on a chartered steamer from their winter quarters in Bridgeport, Connecticut. The camels did five minutes' worth of work. For another scene, Brenon got one hundred boats with custom-made Oriental sails dyed dark red to harmonize with the landscape. The boats appeared on-screen for eight seconds.

Alas, Brenon wasn't willing to be cajoled back into friendship. Signaling his rage, in the spring of 1916 he burned to cinders the \$250,000 Moorish "white city" set at Fort Augusta. Fox Film later claimed it had meant to do so all along, but that wasn't true. "I have never seen much value in a fire of destruction. I always thought that it was a waste of money," Fox had written to Brenon in November 1915, adding that he hoped to use the scenery for other movies. "It is therefore my positive idea that this city should not be destroyed, and if you have any burning to do, do it somewhere else in some other way to get burning effects."

Rather than quelling his anger, the flames seemed to consume Brenon's last measure of restraint. Literally, he began to advertise his rebellion. While still in Jamaica, in late March and early April 1916, he took out full-page ads in all the major trade papers announcing, "I draw the attention of the exhibitor and the public to my forthcoming production of *A Daughter of the Gods.*" *My* forthcoming production? Yes. "The scenes and situations in *A Daughter of the Gods*, written and produced by me are fully copyrighted . . . Any person infringing upon my rights will be prosecuted to the fullest extent of the law." Signed, in large type, Herbert Brenon. Beneath his name, in much smaller letters, appeared, "Management William Fox."

Management William Fox. For \$1 million ... or at least

\$800,000.

Nonetheless, when *A Daughter of the Gods* finally wrapped up in April 1916, after nearly eight months of filming—the average feature at this time took only four or five weeks to make—Fox still hoped for a reconciliation. Upon Brenon's return to New York, he went down to the wharf to meet the ship and, after embracing the sunburned director with open arms, told the press that the two of them would spend the next four weeks editing the movie together. In early May, Fox put out word that he was delighted with Brenon's work. Allegedly, during one private screening, Fox "grasped the director's hand and then caught him up in an embrace."

Under better circumstances, the relationship might have healed. According to mutual friend Randolph Bartlett, "so deeply embedded were the roots of this friendship that the slightest touch of mutual understanding" would have dissolved the differences. But Brenon was exhausted, his nerves worn so raw that on the trip back he had snapped at Kellermann, savagely telling her she was through in movies. Kellermann, "really heartbroken" because she had considered Brenon a friend, would never see him again.

Beneath his cheery public exterior, Fox was simmering with anger over Brenon's repeated insubordination and his failure to live up to expectations. Instead of a coherent masterpiece, Brenon had toted back some 223 reels of film. That was more than any filmmaker had ever shot before. It was 223,000 feet, more than forty-two miles, nearly fifty-six hours of film. Even the great *The Birth of a Nation* hadn't dared exceed a completed length of fifteen reels. Two hundred twenty-three reels—how in the world was Fox going to find a story in there? *Was* there even a story in there?

Fox and Brenon managed to work together editing the footage for about a month. Then, in June 1916, their fragile detente collapsed. Leading a *New York Times* reporter around the Metropolitan Museum of Art, Brenon discussed paintings and sculpture that had inspired *A Daughter of the Gods* but gave no thanks at all to Fox. Fox responded by ordering head publicist Fred Warren to cut back

significantly on credit for Brenon. If he meant that as a warning, it was too late. Brenon was already putting together his own \$1 million production company, the Herbert Brenon Film Corporation, and in early July he sent Fox a letter giving two weeks' notice.

As Brenon explained to the press, he had decided that he could "do better justice to myself by being my own employer." Surely it was easy to be a movie producer. All one had to do was find a first-class director, but he already was a first-class director, so he was bound to succeed.

That did it. As Randolph Bartlett would recall, Fox's ego had now suffered too many "tortures of humiliation," and so he "retaliated in an entirely human but intensely cruel way." In a letter that arrived on Brenon's intended last day, Fox fired him and refused to pay him for the last two weeks. Then he ordered publicist Warren to rewrite all the promotional material for A Daughter of the Gods—about one hundred pieces—eliminating all references to Brenon and wherever possible substituting his own name. Now the movie became William Fox's "great imaginative dream," a story he had envisioned in every detail and then had directed via daily telegrams from New York. Herbert Brenon, according to the new version of events, had been a mere errand boy following orders and not a particularly good one at that. Press releases dropped hints about the director's "spasmodic" and temperamental work habits and suggested that the movie had cost so much because Brenon wasted money extravagantly, often postponing production because he lacked "inspiration."

Outraged, publicly suggesting that his former boss was envious of his talent, Brenon sued Fox for \$500,000 in damages as well as the missing \$1,500 pay. He also asked the court to forbid Fox Film to release *A Daughter of the Gods* unless his name appeared as writer and director. This was war. Brenon began to plunder Fox Film's workforce, hiring away all the department heads who had worked on *A Daughter of the Gods*.

Poor Herbert Brenon. If he'd thought to check his contract, he would have remembered that he didn't have a contract, only that handshake deal whereby Fox had agreed to pay him \$750 a week to

direct the movie. Fox stood by quietly for eleven days until a New York Supreme Court judge issued his ruling, which said what Fox knew it was going to say: in the absence of a written contract to prove otherwise, Fox had no obligation to provide publicity for Brenon. Fox's letters to Brenon promising publicity were just that, letters, with no legal force. Now the hapless Brenon had to stand by and watch as Fox began a \$300,000 advertising campaign that mentioned his name nowhere.

The invitation-only premiere of A Daughter of the Gods took place on October 17, 1916, at the 1,370-seat Lyric Theatre on Forty-Second Street between Seventh and Eighth Avenues, a Shubert Brothers venue that usually presented plays. The event might have reminded Fox and Brenon of how much they'd foolishly thrown away. They might have stood together on the sidewalk, under the huge electric sign depicting Kellermann's diving figure, greeting guests such as Theda Bara, Norma Talmadge, Thomas Dixon, William Randolph Hearst, Adolph Zukor, Jesse Lasky, Diamond Jim Brady, and Ethel Barrymore. They might have nodded knowingly told you so—as they listened to the throng of hopefuls pleading unsuccessfully at the box office to buy standing room tickets. And surely both would have gloried in the \$10,000 in refurbishments that Fox had paid for at the Lyric: the curved colonnade of Greek pillars, topped by Corinthian capitals, that flanked both sides of the stage; the new curtain showing a classical landscape, the orchestra pit lowered and doubled in size, the new screen and new projectors, and the lobby walls decorated with oil paintings of scenes from the movie.

Instead, hostility scarred the evening. Reportedly wearing a false beard, the uninvited Brenon sneaked into a second-row seat. Although Fox had cooled down enough to give him screen credit as director, he hadn't been able to resist taking a few more stabs by failing to acknowledge Brenon as the author and by listing J. Gordon Edwards as the movie's "supervising director."

Still, edited down to ten reels that ran for two and a half hours with an intermission, *A Daughter of the Gods* transcended all the rancor of its making. "Let us return to our mother's knee tonight,"

the introductory title card read, "and be as little children to enter a heaven of rich enjoyment." Out of Brenon's 223 reels, Fox and his film editors had fashioned a story about the beautiful Anitia (Kellermann) and the handsome, noble prince Omar (William Shay), who, having been separated by premature death in their former life as a canary and a sparrow, try to redeem their lost promise of love.

Naturally, for a Fox movie, the chief villain is the young man's father, the "Mad Sultan," who buys the horrified Anitia for his harem and tries to harass her into submission. Realizing he has no chance with Anitia as long as his son is alive, the Sultan chains Omar to a rock in the sea and leaves him to die. Anitia manages to escape captivity by diving off a 103-foot tower and then raises an army to liberate the oppressed kingdom. In the meantime, Omar has been freed and mistakes Anitia's soldiers for an invading enemy. With their visors down, Anitia and Omar battle one another and, echoing their tragic past-life destiny, Omar kills Anitia. At least that was the official plot summary. It's impossible to tell exactly what showed up on the screen because no known copy of A Daughter of the Gods remains, and reviewers at the time, baffled by what one described as an "almost kaleidoscopic swiftness" of the scenes, gave widely divergent accounts. Adding to the confusion, Fox Film released several versions of the movie.

In any case, plot was hardly the point. Far more important was the movie's stunning cascade of images: Anitia, reincarnated in human form by a fairy queen of the sea and carried to shore on a giant shell by mermaids; Anitia and the gnomes playing in a pool of water on a swing hung from the sky; a graceful "Nocturne Dance" of sea nymphs, their figures silhouetted against a blazing sunset and reflected in the shimmering water; Anitia narrowly escaping the jaws of a huge shark—apparently a real shark, its fin cutting the water just behind her; long shots of Anitia's twelve hundred warriors riding on horseback toward the city, and then that final giant inferno, majestic in its horrific beauty, that destroys the White City, with buildings collapsing amid a swirl of smoke and flames.

Arrogant, obstreperous, and profligate, Brenon had done what

Fox had asked. He had made a groundbreaking masterpiece. In an era when many directors relied heavily on indoor scenes, Brenon had filmed A Daughter of the Gods almost entirely outdoors, planting his six cameras right in the middle of nature's wild, insistent, overmastering beauty. Brenon boasted, "What is going to smash you in the face when you see my picture is my beautiful natural setting." Waves repeatedly splashed up over the camera lens. Shots lingered on trees swaying in the wind, hair tossed around a woman's face, the surf breaking on the shore, painterly sunsets and billowing clouds. Some scenes had even been tinted to create the impression of natural color. Yet Brenon had also used motion picture technology to reveal the truths hidden behind appearances —to show that however things seemed, they might yet be otherwise through imagination. In "perfectly done" dissolves and double exposures, crocodiles transmuted into swans, and Anitia's troops, who had started out their march to the Sultan's city as a crowd of gnomes, changed along the way into strong young men on sleek, handsome horses. The camera saw more clearly than the unaided eye, saw and told of beauty evident but overlooked, beauty latent and trembling for discovery.

At the Lyric, the first-night audience responded with frequent gasps of awe and outbreaks of applause. Critics likewise were overwhelmed by the movie's "stupendous . . . pageantry" and "shower of magic." *Moving Picture World* wrote, "We are beguiled, we are bewitched, we lose the perception of time." The *New York Journal* added, "Its stupendousness is almost appalling."

Such acclaim did nothing to soften relations between Fox and Brenon. For his part, Fox didn't need Brenon anymore now that the movie was finished and needed only to be sold. He knew he could do that better than anyone else. For the first six weeks or so, he played *A Daughter of the Gods* only at the Lyric and at one theater apiece in Philadelphia and Pittsburgh. This strategy was common in early motion picture history. By compressing and focusing demand for a film, producers aimed to generate success stories that would motivate exhibitors nationwide to book it. In December 1916, two months after the premiere—with the Lyric still taking in an average

of \$15,000 per week—Fox began to roll out the movie to the rest of the country in a style reminiscent of *The Birth of a Nation*. Except that Fox did it more grandly: while *The Birth of a Nation* had had only twenty-five touring companies, *Daughter* had forty, each one consisting of a manager, two publicists, a conductor and musicians, and a stage crew. Many theaters treated the movie's arrival as a special event, accepting advance seat reservations and charging up to two dollars per seat—even though the average movie ticket nationwide cost about ten-and-a-half cents, with the usual highest price being twenty-five cents.

Fox's promotional campaign was equally aggressive. *Motion Picture News* called *A Daughter of the Gods* "probably one of the best advertised pictures in America." Many ads featured Kellermann's nude figure, artfully draped by her long dark hair, and touted her figure as the perfect female body. Lobby displays flaunted images of her in her then-revolutionary one-piece bathing suit. Aiming also for the family trade, Fox insisted that *A Daughter of the Gods* was a "clean and refined spectacle." He said, "I believe every mother in the world will wish her sons and daughters to see the picture . . . It will make boys develop manliness and teach girls to acquire and hold their beauty."

As evidence of the movie's "sweetness and goodness," Fox got full approval from the National Board of Review censorship agency, which he had consulted frequently during the editing process. Probably not coincidentally, it was in November 1916, just a few weeks after *Daughter*'s triumphant New York premiere, that the Board began to pressure Fox Film for a \$400 monthly contribution to its "educational" fund. As further reinforcement of respectability, the studio arranged for President Woodrow Wilson and his wife to attend the movie's Washington, DC, premiere at the Belasco Theatre on their first wedding anniversary. It was the first time Wilson had seen a movie in a public theater. He described the film as unusually beautiful.

Reviews around the country were uneven. "A meaningless hodge podge of pseudo-allegorical absurdities as . . . in a nightmare or conceived in a madhouse," groused the *Boston Transcript*. A staff

reporter for the *Tucson Daily Citizen* walked out during the intermission because of the movie's "lasciviousness." Still, *A Daughter of the Gods* built up an impressive track record, playing forty weeks in New York, twenty-two weeks in Chicago, eighteen weeks in Philadelphia, and fourteen weeks in Boston. On the extravagant big-city road shows, Fox made a profit, after production and distribution expenses, of about \$150,000. That was a disappointing figure in view of his massive investment, yet he had never meant to make his real money from the road shows. Their purpose was to show off the movie and enhance its value in wide release.

While revenue figures aren't available for the movie's performance in regular movie theaters, it's safe to assume they reached rich heights. Fox kept *A Daughter of the Gods* in circulation for two years, refusing to allow it into any theater that had fewer than a thousand seats or that charged less than a dollar as the top admission price. In the spring of 1917, *A Daughter of the Gods* began to travel the world. First it went to England, where it did well despite wartime conditions—the movie was the first ever reviewed by the *London Times*. Eventually, *A Daughter of the Gods* even went into the interior of China, thanks to a Chinese American entrepreneur who bought the rights from Fox in 1918 and planned to spend five years touring the largely non-electrified country with a custom-made dynamo* that ran off the engine of his truck.

Triumph wasn't enough for Fox. He had set aside his professional demeanor with Brenon. Instead of a boss, he had tried to be a friend, a mentor, and a father figure. He had loved Brenon and had told him so. Humiliated by the failure of their relationship, he had to see his former "dear boy" fail.

Brenon had started Herbert Brenon Productions so confident of success. With partners Lewis J. Selznick, the founder and former general manager of World Film, and Stanley Mastbaum, owner of a prestigious chain of more than forty Philadelphia-area theaters, he had signed a five-year lease on the brand-new Ideal Studios and

Laboratories, in Grantwood, New Jersey. In early August 1916, about a month after leaving Fox Film, he began work on the company's debut production, an adaptation of the hit play *War Brides*, starring Russian stage actress Alla Nazimova, whom he had reportedly agreed to pay \$30,000 for thirty days' work. On the stage walls, Brenon tacked up a notice: "This studio means as much to the artist as the church does to the devout worshipper."

Hastily, Fox threw together *The War Bride's Secret*, aiming to create confusion in the marketplace and siphon off Brenon's audience. "A rotten trick," Brenon's former secretary Minola De Pass would write to Brenon decades later, "A grave blow to your first independent venture." Again Brenon sued Fox, this time claiming copyright infringement of both the title and the story line, and asked the court to enjoin Fox from releasing *The War Bride's Secret*.

Again Brenon lost. A judge ruled that there was no evidence that Fox Film intended any deception. Furthermore, it wasn't clear that titles could be copyrighted, and the two movie plots were substantially different. War Brides told the story of a young widow in an imaginary kingdom who kills herself and her unborn child to protest a new law requiring unmarried women to marry soldiers going off to war. Fox's *The War Bride's Secret*, which starred Theda Bara look-alike Virginia Pearson, was essentially a domestic drama about a young farm wife in Scotland struggling to cope with her greedy father's demand that she marry a rich man after her beloved husband is reported as a battlefield casualty.

That wasn't enough for Fox. In early October 1916, only about a week before Brenon planned to start sending out publicity material in preparation for the November 1 opening of *War Brides*, Fox sued Brenon for \$100,000. He claimed that Brenon was perpetrating fraud through his advertising campaign. In a slew of consumer press and trade publication ads, and on the masthead of his new company's stationery, Brenon claimed credit not only for *A Daughter of the Gods*—"conceived, written, and produced solely by him," one ad asserted—but also for all his other Fox movies. By listing the titles of the works along with the names of their stars, Fox alleged,

Brenon was intentionally deceiving the public into thinking that he owned the rights to those movies and that he managed those actors.

One hundred thousand dollars wasn't all that Brenon stood to lose. On October 13, Fox got a temporary injunction prohibiting Brenon from publicizing his Fox Film credits. The director now faced the possibility of having to spend \$90,000 to reprint all his promotional literature, including billboards and lobby exhibits, and to delay the opening of *War Brides*.

Fox didn't really want to ruin Brenon. He showed this when, in settlement talks, he quickly agreed to let Brenon take credit for writing and directing his Fox movies as long as he didn't claim to have produced them. As a result, *War Brides* was able to open more or less on schedule, on November 12, 1916, at the Broadway Theatre at Forty-First and Broadway, just one block away from *A Daughter of the Gods*. Mainly, Fox seems to have wanted to abase Brenon to regain the ascendancy he regretted having given away.

Brenon's War Brides wasn't a bad movie. The New York Herald deemed it greater than The Birth of a Nation, and the trade paper Wid's Daily predicted a huge hit. Conversely, Fox's The War Bride's Secret wasn't an especially good movie. "Old stuff," critics said, unoriginal and slow moving. Still, Brenon's movie foundered while Fox's thrived. In addition to having a much larger marketing organization and far greater sales expertise, Fox had more accurately gauged public sentiment. Amid growing evidence that the United States would sooner or later join the war in Europe, Brenon's movie argued that all wars are bad. By contrast, The War Bride's Secret allowed that some wars are necessary, even noble, and it reassured audiences that families could be put back together afterward. The heroine's presumed-dead husband returns home, and the young couple lives happily ever after.

It got worse for Brenon. Weakened by the stress of the previous year and a half, he became critically ill with typhoid in January 1917. Then, after the United States declared war on April 6, 1917, federal authorities denounced *War Brides* as unpatriotic and urged state and local censors to ban it as harmful to recruitment efforts. In October, Brenon suffered an attack of appendicitis and required an

operation.

Somehow Brenon managed, despite all these troubles, to direct his next big production, The Fall of the Romanoffs. Reportedly, he spent \$250,000 in the hope that it would become the definitive American movie about the Russian Revolution, then a topic of great interest in the United States. He had joined forces with a hotheaded, thirty-seven-year-old Russian émigré named Iliodor (actually, the former Sergei Trufanov), who had been a sidekick to the mad monk Rasputin and a rival for the favor of Czar Nicholas. After failing in his plot to murder Rasputin, Iliodor repudiated the whole Romanoff clan, became a revolutionary, and in June 1916, fearing for his life, hotfooted it to the United States, where he pitched his story to the movies and threw himself into the bargain as an actor. Given Iliodor's darkly handsome looks and his proven ability to charm a crowd, Brenon cast him in a lead role as the saintly "Father Iliodor," who saves Mother Russia from the drunk, illiterate Rasputin and the corrupt, oppressive czar.

Fox still didn't want Brenon to get back up on his feet. Assigning J. Gordon Edwards to direct from a script by Metropolitan Opera stage director Richard Ordynski, Fox cast Theda Bara in *The Rose of Blood* (1917), as a Russian peasant girl whose unhappy marriage to a despotic prince causes her to become a revolutionary; it was a film complete with bomb plots, poisoned wine, and sultry sex appeal. Naturally, Fox and Brenon weren't the only ones to recognize Russian history's dramatic potential. William A. Brady, head of the World Film Corporation, beat both of them to market with *Rasputin, the Black Monk*, which opened in New York on September 12, 1917, eleven days ahead of Brenon's movie* and about two months before Fox's.

Fox's movie proved the most successful of the three Russian Revolution movies. He had simplified history for mass consumption, representing it as a maelstrom of human passions in which the sex instinct reigned supreme. One ad for *The Rose of Blood* asked, "Did a woman totter this Russian throne? Ask Theda Bara, she tells everything in this picture." Some exhibitors paid record fees to book *The Rose of Blood*, as much as \$1,000 for a three-day run in

Tulsa, Oklahoma. Overshadowed, Brenon's movie languished. It was sabotage, Brenon's secretary, Minola De Pass, decided. She never would forgive Fox.

After the failure of *The Fall of the Romanoffs*, Herbert Brenon Productions fell apart. It wasn't all Fox's fault. Brenon was a terrible businessman, far too absorbed in creative matters to keep an eye out for all the industry's fast shufflers. Calamitously, he had hired Alexander Beyfuss, a young, handsome, seemingly capable gogetter, as his business manager. Beyfuss promptly overextended the company's financial commitments, and when the bills came due, he disappeared.* Narrowly avoiding bankruptcy, Brenon dissolved his company in early 1918.

It felt like "the END of everything," Brenon would recall. Curiously, although Fox helped derail Brenon's career at what might have been its greatest height, the director ultimately refused to blame his former friend and employer. The rift had been his fault, too, Brenon acknowledged in a letter to his nephew in 1951, seven years before his death in Los Angeles. He had been arrogant about his work, dictatorial on the set, uncooperative with authority. And others had helped precipitate his fall, he believed: "underlings and the jealous sycophants" such as Abraham Carlos had alienated Fox from him in order to enhance their own power.

Over the years, Brenon forgave Fox. He missed their friendship. It had been the real thing, Brenon realized, complicated but also full of genuine affection. No one else had ever had such faith in him or had given to him so generously. Toward the end of his life, too late to do any good, Brenon acknowledged his true feelings. Always, Brenon wrote to his nephew, "I DID respect and even loved Fox."

"The Greatest Showman on Earth"

I can assure you that my greatest ambition has always been to make better pictures than anyone else . . .

—WILLIAM FOX, 1917

 \mathbf{F} or all the anguish involved in producing A Daughter of the Gods,

Fox remained proud of the result and confident about film's potential as an art form. The latter point would eventually seem obvious, but it wasn't at all during the 1910s, when movies were still widely regarded as lightweight entertainment with no lasting value. Financial incentives encouraged that view. Pure silver was one of the main ingredients of motion picture film, and by mid-1918, demand for raw film had escalated so rapidly that the Eastman Kodak Company was churning through more than two tons of silver weekly. Thrifty producers could recapture some of their investment by sending played-out movies off to the industry's equivalent of the glue factory, the silver recovery vats. Preservation, by contrast, involved considerable expense and risk because of flammability; as yet, attempts to develop fire-resistant film stock had yielded only film so brittle that it easily cracked and broke into pieces.

To Fox, movies were alive with the breath of dreams. In

December 1916, he pledged \$1 million to build an independent movie museum to house a permanent collection of the world's best personal expense, he commissioned prominent films. At Philadelphia architect John Frederick Harbeson, who drew up plans for a large fortress-like structure made of New England granite and ornamented with huge bronze doors, a sculptural frieze depicting great historic events around the world, and broad steps flanked by two granite sphinxes. Fox planned that any producer would be able to submit movies with historic value, and each year an expert board of trustees-scientists, historians, and various public leaderswould choose ten for inclusion in the museum's collection. To prevent decomposition, movies would be stored in airtight in fireproof vaults. A sixty-by-one-hundred-foot containers projection room would host public screenings, and a library would collect film literature. This would have been the first American institution to recognize the artistic value of film and it would have ensured the preservation of important early American movies, less than 20 percent of which are estimated to have survived into the twenty-first century.

Envisioning Central Park as the ideal location, Fox sent a representative to New York City park commissioner George Cabot Ward, who quickly rejected the idea. The city had far too little green space as it was, Ward said, with only one public park acre per 1,745 residents compared to, for instance, Philadelphia, which had one park acre per 206 residents. In Washington, DC, federal lawmakers also refused to support the museum. The *New York Times* called the plan "preposterous." Fox dropped the idea. Not until 1935, when New York's Museum of Modern Art founded its Film Library, would film gain its first official recognition as an art form.

Fox couldn't wait to get where he was going. By early 1917, as Fox Film prepared to enter its third year of business, the New York headquarters had expanded to occupy four full floors of the Leavitt Building on Forty-Sixth Street, and twenty-three sales offices dotted the United States and Canada. In California, having quickly

outgrown the one-acre property it had rented in Edendale in December 1915 for thirty employees, the company now had a total of thirty acres staffed by five hundred employees. The main West Coast studio occupied eighteen acres in the center of Hollywood on both sides of Western Avenue, just below Sunset Boulevard. Other property included a ranch in Calabasas. For 1917, Fox announced, the studio would increase production from fifty-two to seventy feature films; and henceforth, his two biggest stars, Theda Bara and William Farnum, would appear only in "super de luxe" productions costing between \$100,000 and \$300,000.

Although the fight over *A Daughter of the Gods* had brought out the worst of Fox's competitive instincts, that ravening desire to cripple director Herbert Brenon's independent career, it had simultaneously intensified the loftier side of his ambition. He would outdo himself. He had to. He didn't yet have the lasting monument to himself that he craved. In no small part because of all those early months Fox had spent extolling him as a genius, critics had credited the success of *A Daughter of the Gods* almost entirely to Brenon.

In early 1917, abandoning plans to conjure five or six more movies out of the 213 reels of leftover footage from *A Daughter of the Gods*, Fox began work on another gigantic production that he hoped would establish him as the greatest showman on earth.

"Colossal, stupendous, spectacular," ads for Theda Bara's *Cleopatra* (1917) would proclaim. "The most sumptuous film production on Earth." Although Fox Film promotional copy often ran headlong into extremes—almost every movie was earth shattering in one way or another—in this case, the claim was accurate.

Fox's decision to make *Cleopatra* almost certainly evolved from the necessity of having Theda Bara star in his next extravaganza. A follow-up to *A Daughter of the Gods* with Annette Kellermann was out of the question. Stung by Brenon's scathing comments about her talent and eager to return to her popular vaudeville diving act, where she could earn \$3,000 a week, Kellermann turned down Fox's offer of a five-picture deal. She would go on to make only one

more Fox movie, the unremarkable Queen of the Sea (1918).

Cleopatra was perfect for Theda. By now, Fox understood that she was never going to be the actress that he, or she, had hoped. Skilled in a very narrow range of characterization, with a face that the camera loved but only from certain angles and only in a blaze of passion, she had developed no discernible versatility throughout the eighteen movies she'd made for Fox by the end of 1916. As one critic complained, "It is not sufficient to arch the eyebrows and look devilish." Sometimes, even the generally tolerant audience at Fox's Academy of Music on Fourteenth Street burst out laughing at her performances.

The more she tried to break through her limitations, the worse she seemed to get. "I believe I have beheld her worst picture," quipped syndicated columnist "Mae Tinee" about Theda's early 1917 release, *Her Greatest Love*, in which Theda played an ingénue who wore short, schoolgirl dresses. "If you ever in your life saw anything funnier than Theda Bara so garbed, rolling around her beblackened eyes in horror at the sight of her harridanlike mother lighting a cigaret or Theda Bara in supposed misery at the sight of a one piece bathing suit . . . I miss my guess."

The story of Cleopatra would not only exploit Theda's spurious Egyptian heritage and further develop her vamp persona, but also provide a broad exotic canvas to offset her tendency to overact. One could always look instead at the scenery and the costumes, or rather the lack of costumes. Alexandria's proximity to the equator hadn't escaped Fox's attention.

If A Daughter of the Gods had gone awry because of inadequate forethought, Fox learned from the experience. Especially for its time, Cleopatra was an extraordinarily well planned movie. Officially, about four months went into preproduction, with little left to the vagaries of creative intuition as they had been with Brenon. Fox directly supervised a team of researchers who studied historical records and artifacts to ensure the accuracy of sets and costumes. Screenwriter Adrian Johnson compiled a 211-page script, using sources such as Shakespeare's Antony and Cleopatra and Julius Caesar, Plutarch's Lives, Sardou's 1890 play Cleopatra, H. Rider

Haggard's novel *Cleopatra*, and British Egyptologist Arthur Weigall's 1914 book *The Life and Times of Cleopatra*. Theda herself made frequent visits to study the Ancient Egypt collection at New York's Metropolitan Museum of Art.

In his choice of a director, Fox also reacted against memories of *A Daughter of the Gods*. This time, instead of a hotheaded would-be genius, he tapped the solid, sensible, well-seasoned J. Gordon Edwards, who with his mannerly style and scholarly demeanor —"just as fine as silk," actress Betty Blythe would recall—was Brenon's temperamental opposite. Having directed dozens of movies for him, Edwards knew what the boss wanted. He also enjoyed Theda's warm approval, thanks to his skill at indulging the star's growing ego. "In all my experience, I have never met so remarkable a woman as Theda Bara," Edwards told a reporter. "I have watched her work with a feeling akin to awe . . . Miss Bara has developed into one of the foremost artistes of the dramatic and silent stage, and . . . she will go down to posterity as the greatest actress of her time." Just so had Theda begun to think of herself.

Fox had also learned his lesson about location shooting from *A Daughter of the Gods*. It didn't pay to try to pioneer the film industry in a foreign country. Just like everyone else, he would have to rely on Hollywood. Writing off his investment in Jamaica, Fox would never make another movie there.

In early 1917, fantastic sets and props for *Cleopatra* began to appear throughout Southern California. In the desert near the bean fields of Ventura County, Fox Film workers built exact replicas of the Sphinx and the Pyramids. At the Western Avenue studios, they re-created both the interior and exterior of the Roman Senate, complete with huge granite columns. South of Los Angeles, in an inland wetlands area then crudely known as "Nigger Slough"* and usually populated only by wild ducks and jackrabbits, a rendition of Cleopatra's huge, square stone palace at Alexandria arose at the water's edge, banked by massive stone steps. On the walls of the building, artists carved figures and painted hieroglyphs in historically accurate bright reds and oranges, even though, obviously, the colors would not register on black-and-white film.

From 250,000 feet of lumber, shells were built to transform some eighty modern boats into fighting ships from 31 BC.

Fox's opulent investment masked considerable cause for worry. In the buildup to and the immediate aftermath of the U.S. declaration of war against Germany on April 6, 1917, panic seized the motion picture industry. Studios began cutting back on production in March 1917, and not until July would they return to the levels of the previous year. As a result, for 1917 as a whole, the American film industry would turn out 774 fewer reels of film than in 1916. These four fearful months, from March to July, were precisely the time when Fox was shoveling money into *Cleopatra*. In early May 1917, the studio advertised the film's budget as \$250,000; that number would rise through the summer to settle at \$500,000. Some days, expenses ran as high as \$75,000.

Yet, who could predict how much interest would await the movie when it was finished—or even whether it would be finished? There had never been a war on this scale before, and it was immediately clear that it was going to be staggeringly expensive in every possible way. By mid-April 1917, both the House of Representatives and the Senate had unanimously passed a \$7 billion bond bill (the largest such measure in world history) to finance the U.S. war effort. Seven billion dollars represented 14 percent of the estimated U.S. annual income of \$50 billion and a little less than one-third of the total individual bank deposits, which amounted to \$24 billion. What would happen to the motion picture industry amid a suddenly, drastically reconfigured economy? A glance at the experience of European combatant nations was not encouraging. France, Spain, and Italy either shut down or drastically reduced motion picture production in order to concentrate resources on military efforts.

Despite his native optimism and strong faith in a great destiny, Fox could not escape concern. In February 1917, accompanied by Eva and their teenage daughters, Fox took his first trip to California—in fact, his first trip farther west than Buffalo, New York, where in September 1901 he had witnessed the McKinley assassination. It was a curious fact about Fox that although a great many of his

movies were set in foreign locations, he had little interest in actually seeing those places. Travel took too much time, and time was the great enemy of accomplishment. Nonetheless, amid industry speculation that he wasn't going to be able to pull off *Cleopatra*, he made the five-day train trip and stayed in Southern California for about eight weeks. He returned to New York in early May 1917, just before filming of *Cleopatra* began.

His preparation and oversight paid off. Production of Cleopatra proceeded with remarkable efficiency, economy, and goodwill. Although Edwards had the incalculable advantage of a nearby company town, with experts available to solve nearly any problem, he still had to manage a movie that was significantly larger in scale than A Daughter of the Gods and that had logistical challenges of equal complexity. Edwards's cast numbered twenty-five to thirty thousand, compared to Brenon's twenty-one thousand; and every day, he had to supervise ten to eighteen cameramen instead of six. Cleopatra's script called for chariot races across the sand, multiple military invasions, and battles on both land and water. Calmly and methodically, undistracted by the thousands of spectators who showed up on location to watch, Edwards "drilled and rehearsed, rehearsed and drilled." He refused to posture with a megaphone as Brenon had, instead gesturing with his arms to communicate instructions over a far distance. Everyone, it seemed, liked him. Crucially, he didn't argue with Fox. So, in nine weeks instead of eight months, shooting three thousand scenes, Edwards finished filming Cleopatra in late August 1917 at a relative bargain price. Assuming that if Fox exaggerated budget figures, he did so in a consistent manner, Cleopatra's \$500,000 expenditure represented only half as much as the studio had paid for Brenon's A Daughter of the Gods.

Beyond Hollywood, current events marched on. The spring and summer of 1917 had been full of astonishing news. German spies, posing as businessmen, had infiltrated the United States, obtained military secrets from sources at important army and naval stations, and were sending the information home via a secret mail service through Scandinavia. Suspected enemy agents were everywhere: a

doctor in Boston; three Hindu steelworkers in Gary, Indiana; a New Jersey print shop owner; a midwestern farming machinery plant foreman. According to the U.S. War Department, the threat of attack was so dire that the country needed \$2.5 billion worth of fortifications. On June 5, 1917, draft registration began, and by early August more than eight hundred thousand Americans were under arms. In mid-June, General John J. Pershing led an advance guard of the U.S. Army into France. "There is no longer a European war," declared Sen. William E. Borah (R-ID). "It is an American war."

With so much drama reported on newspaper front pages and touching deeply into daily life, who would want to see a movie that was, literally, ancient history?

Friends noted that when Fox became nervous or upset, he tended to shout. The shouting on behalf of *Cleopatra* began early. While the movie was still being filmed, Fox launched a massive advertising and publicity campaign designed not only to appeal to existing movie fans but also to stimulate curiosity among a broad range of other interest groups.

Outside help was needed. Following the declaration of war, five Fox Film publicity executives enlisted for military service. To handle advance publicity for *Cleopatra*, Fox hired the future "Father of Public Relations," Edward L. Bernays, who was then one of the bright lights of Broadway theatrical publicity and a self-proclaimed expert on crowd psychology.

Bernays was the sort of person whose endorsement Fox would always seek: the cultural aristocrat embedded in a network of distinguished connections. Vienna-born, the double nephew of Sigmund Freud—his father, Ely, was the brother of Freud's wife, Martha, and his mother, Anna, was Freud's sister—Bernays had an Ivy League education (albeit via an agriculture degree from Cornell University) and had represented Enrico Caruso and the Russian Ballet. Only twenty-five, he may have stirred Fox's hopes for a new father-son relationship to replace the one recently lost with Herbert

Brenon. Fox personally sought out Bernays, phoning him to say he'd read about his work on Broadway and agreeing instantly to Bernays's salary demand of \$150 per week.

Bernays started off promisingly. After viewing Cleopatra footage, he wrote a long memo to Fox praising the movie as "big and powerful ... glorious and splendid." And he certainly did a competent job. Aggressively confronting the movie's two main challenges of timely relevance and audience reach, he devised a campaign to modernize and "emotionalize" Cleopatra. The firstcentury BC ruler now became "Egypt's Vampire Queen," who sounded little different from a lively, upbeat, fun-loving, contemporary girl next door. "She was a woman whom men might easily love, for she was active, plucky, high-spirited and dashing. She viewed life with a light heart, except toward the end, having a greater familiarity with laughter than with tears," one ad read. Bernays also reinterpreted great historical turning points from, naturally enough, the perspective of sex-based Freudian psychology. Ads that asked, "Why did Caesar leave Rome?" and "Why did Antony stay in Egypt?" found their answer in images of Cleopatra in seductive poses. Bernays even went so far as to suggest direct parallels with current events by devising daily newspaper ads that urged readers to ponder, "Who Is the Cleopatra of Today?" and "Is There a Cleopatra in Berlin?"

Regarding the problem of filling movie theater seats at a time when many regular patrons were likely to be preoccupied with war work, Bernays had ideas, lots of them, none too far-fetched to be pursued. High school students were still going to be around and so were their teachers: why didn't they invite high school principals to see *Cleopatra* on the basis that the movie offered "a classic way to teach ancient history"? And women would still have to buy clothes, and fashion would always change, so why not pitch the movie to milliners and dressmakers as "an inspiring source of new ideas"? Even intellectuals didn't escape attention. To them went the appeal, "You have read Plutarch and Shaw about Cleopatra, now see Theda Bara and Know." With constantly changing illustrations and text as well as an unprecedented scope, Bernays's campaign itself drew

industry attention. Potentially revolutionary, *Moving Picture World* called it. According to Bernays, Fox was heartily pleased.

No friendship ever developed between Fox and Bernays, however. It couldn't. Having always known privilege, Bernays was a fearsome snob who regarded his low-born, uneducated employer with contemptuous sangfroid. Despite a number of meetings, Bernays took so little notice of Fox that he had no clear memories to draw on when writing his 1965 memoir, Biography of an Idea. The muddle he made of the facts revealed his prejudices. Describing a conference at Fox's home in Mount Vernon, New York, Bernays wrote that Fox greeted him at the door wearing an undershirt and red suspenders and then led him to a dining room table filled with dirty breakfast dishes. Fox didn't live in Mount Vernon in 1917, and it's inconceivable that, otherwise so prideful about decorum, he would have greeted a professional colleague in such a slovenly manner. Bernays also wrote that at the time of his hiring, Fox had been "rapidly increasing the number of his storefront movie houses" when Fox by then owned some of the city's largest, plushest theaters. And Bernays claimed to have visited Fox in his office in a "seedy-looking building" on West Forty-Ninth Street. In 1917, Fox Film headquarters were located in the smart, relatively new Leavitt Building, at 130 West Forty-Sixth Street. Bernays, who went on to work briefly for Sam Goldwyn, appears to have conflated Fox with others in the motion picture industry, which he regarded as "a crude, crass, manufacturing business, run by crude, crass men." (Bernays's sense of superior refinement did not prevent him, several decades later, from promoting Lucky Strike cigarettes to women as "torches of freedom" or from taking a \$100,000 annual fee during the 1950s from the United Fruit Company, which was then helping to finance Central American dictatorships.)

It was too much, to continue working for someone who reminded him of "a saloon keeper" and who had relegated him to the supervision of the bustling, thoughtless Winnie Sheehan. Despite the prominence of the opportunity, Bernays lasted only a few months as *Cleopatra*'s publicist. Then, after Sheehan kept him waiting a few times for half an hour, he quit. "I told Fox that no one

was paying me for waiting time," Bernays recalled testily.

Fox scheduled the premiere of Cleopatra for Sunday, October 14, 1917, at the Lyric Theatre, three days before the one-year anniversary of the opening of A Daughter of the Gods there. By now, the motion picture industry had calmed down enough to realize that war wasn't likely to decimate business. To the contrary: after six months' involvement, Americans needed diversion more than ever. The initial excitement and idealism of a war to end all wars had given way to the day-to-day reality of death, sacrifice, loss, and grief. "This is no war for amateurs," President Wilson had warned in May. "It means grim business on every side of it." And it probably wasn't going to end soon. A military strategist quoted by the New York Times predicted "enormous losses" to both sides through the end of 1917, and added that because of Germany's reserves of manpower and material, an Allied victory might take until late 1919. Even though Broadway theater attendance declined sharply, low-priced tickets allowed the movies to hold steady.

Because he hadn't given in to fear, hadn't scaled back his investment or delayed the production until the market looked more promising, Fox had a movie that was ready to meet the moment. With a running time of two hours and five minutes and a five-minute intermission, *Cleopatra* offered both magnificently absorbing, escapist entertainment and comforting reassurances about the underlying nature of contemporary world events. History was not a storm of angry, incomprehensible forces that tossed individual lives around carelessly and meaninglessly. History was an epic pageant that, even when it entailed tragedy—perhaps especially when it entailed tragedy—conferred dignity upon the participants. Cleopatra's last spoken words (given by the final title card) were, "Cleopatra triumphs in death."

It was easy to see the truth across the distance of time and place, *Cleopatra* suggested. History was personal. The movie made that point right away. An opening panoramic shot, showing the desert outside Alexandria with the Sphinx and two pyramids in the

distance, quickly gave way to a close-up of the Sphinx, which slowly faded into the features of Theda as Cleopatra. History was passionate. Exiled from her royal palace by the invading army of Julius Caesar (and forced to camp out on the sands with her loyal army), Cleopatra schemes to meet Caesar (Shakespearean actor Fritz Leiber) by having herself wrapped up in a rug and carried before him. Instantly seduced, he becomes her love slave, and together they plan to conquer the entire civilized world. After Caesar is murdered in Rome, Cleopatra eagerly latches onto Marc Antony as a substitute ally, wins him over with sex, and sails back triumphantly with him to Alexandria.

History was also spectacular. After Caesar's adopted son, Octavius,* who is also the brother of Antony's abandoned wife, invades Egypt with imperial plans of his own, the combined forces of Cleopatra and Antony confront him in the world's first-known major naval battle, the Battle of Actium. The climactic sequence, filmed at night on Newport Bay, showed warships equipped with catapults lobbing fireballs at one another until almost all the vessels caught flame, and a tremendous blaze lit up the black sky.

Most importantly, although history might bring emotional anguish, in that pain was proof of life and love experienced to the fullest. This was the message with which *Cleopatra* sent audiences back out into the real world. At the end of the movie, believing her true love, Antony, to have been killed in the Battle of Actium, Cleopatra returns to Alexandria and sinks into fathomless despair. She cannot go on without him and reaches for the deadly asp. In a plot twist like the one Fox added to his version of *Romeo and Juliet*, Antony isn't actually dead. However, once he learns of Cleopatra's suicide, he, too, kills himself from grief. These two larger-than-life characters sought and lost the world, but even worse, they sought and lost each other. On that intimate level, history made sense in a way that everyone could understand.

Moreover, the visual splendor of *Cleopatra* spoke to an audience whose world had turned gray amid the unrelenting sacrifices of wartime. Up on the movie screen, in a theater where darkness shut out the gloom of the real world, extravagance repeated itself in

every direction. Fanciful furniture captured the Ancient Egyptians' obsession with animals: Cleopatra's throne was shaped like a lion; lounges followed the contours of swans; tables and chairs reiterated a Sphinx motif. Rich rugs and opulent wall hangings decorated the background. Out of doors, Cleopatra traveled in style on a huge barge outfitted with magnificent banners, carvings, canopies, and cushions. Grandly and exotically, *Cleopatra* remade the world into a place of enchantment.

Especially eye-catching were Theda's costumes, reportedly made by a team of ten seamstresses. In the first half of the movie, the actress wore a different outfit in every scene; altogether, her wardrobe consisted of fifty elaborate ensembles, each with its own headdress and set of jewels. Glittering, diaphanous fabrics, strategically ornamented with beads, swirled around her figure. One dress, according to press information, had been made from all the feathers of a large peacock; another allegedly had been created from a real leopard skin. (In an era that took a primitive view of animal rights, the studio had no qualms about claiming to have killed both creatures for the purpose.) Most famously, Theda's Cleopatra wore a top consisting merely of slender, chain-link shoulder straps attached to two thin metal snakes that coiled around her breasts. Completing the ensemble was a long skirt slit at the front on both sides up to the waist. Although press releases insisted that the costumes were historically accurate, the designs were modern enough that, as a Trenton Evening Times writer suggested, the average female viewer might easily muse, "How well I'd look in that" and "I wonder whether I can afford it." Glorifying surface and sensation, Cleopatra offered vicarious pleasure to viewers: to see was almost to touch.

The movie wasn't perfect. Albert Roscoe, who played Pharon, the hereditary king of Egypt, had visible tan lines indicating he'd been wearing a modern-cut bathing suit during the summer, prompting one reviewer to remark that "his tanned shoulders will make everybody think of the beach, losing entirely the atmosphere." And Cleopatra's death scene came across as "a decided anti-climax" because, as the same critic wrote, "the snake is

hardly in evidence to the eye—at least, I couldn't see him, and I looked pretty hard." In shots of royal ships rowing along the waters, inadequately trained actors playing galley slaves whacked their oars clumsily against one another.

As for the studio's alleged extensive museum research, it hadn't precluded frequent factual liberties. In the movie, Cleopatra has an affair with Pharon, who had previously vowed to kill her-but there was no such person in history. The Fox team, forgetting about all those high school teachers they'd hoped to win over, had borrowed the character from H. Rider Haggard's novel (where he was named "Harmachis") to spice up what had apparently threatened to be a dull stretch of the plot. The movie also ignored the real Cleopatra's four children, one by Caesar and three by Antony. The ending, too, was a liberal fiction. According to accepted historical accounts, Cleopatra and Antony weren't star-crossed lovers, done in by inconsolable grief at the supposed loss of each other. Instead, Antony died first when he threw himself on his sword after being shamed in defeat at Actium, and far from lapsing into suicidal despondency, the real Cleopatra then tarted herself up and made tracks to try to seduce the conquering Octavius. But at thirty-nine, and the worse for wear after all her dissolute traipsing around the ancient world, she looked cheap and faded to thirty-three-year-old Octavius, who rejected her. That, apparently, was the final blow that drove Cleopatra into her fatal embrace with the asp.

Moreover, *Cleopatra* was never going to win over viewers who hadn't liked Theda before. It was too much of Theda as Theda, "waving arms aloft with an eager showing of armpits," indulging in "much rolling of eyes," and "giving sticky kisses and flaunting her 'shape' at every possible opportunity." The *Brooklyn Eagle* spoke for that contingent when it labeled Theda's performance "repulsive" and commented that she "could never tempt a man to be late for dinner, much less to give up the throne of Rome." A cattier critic, at the *Boston Herald*, zeroed in on the actress's ample figure and noted its disparity from the supposedly lithe silhouette of the real Cleopatra: "Miss Bara . . . could not represent her physically, even if she should go into training, walk 10 miles a day in a rubber sweater

and live on lemons and lettuce."

Everybody was entitled to an opinion. The great majority of viewers, though, welcomed the film enthusiastically. After the New York City premiere at the Lyric Theatre, a *New York Tribune* reporter commented that although many in the audience had undoubtedly come to scoff at Fox's grandiose venture, "with one accord they remained to praise. The picture is so big that one is completely overwhelmed . . . It seems as if someone must have said to someone else: 'Here is a fortune; now buy up all the beautiful things there are in the world and make them into a picture.'" The *New York Times* also applauded: "thoroughly successful . . . the finest sort of film fare." Several reviewers compared *Cleopatra* to *The Birth of a Nation*, and Edwards to D. W. Griffith. Even the frequently cantankerous trade paper *Wid's* noted that although the editing of *Cleopatra* might have been tighter and its intertitles fewer, "This will undoubtedly make a mint of money."

Indeed, during its first week at the Lyric, Cleopatra took in \$10,200. After two weeks, fifty thousand tickets had been sold, and nightly, the box office turned away throngs of would-be patrons. To test the broader market, Fox sent the movie for limited engagements to three nearby cities chosen for the diversity of their audiences. In Washington, DC, at the fashionable Belasco Theatre, business started off unevenly but increased steadily, so that by the end of its one-week booking, Cleopatra was playing to full houses, with total earnings of \$9,100. In Schenectady, New York, facing a mostly working-class population for its two-day run at the Van Curler Opera House, the movie sold out for all shows, earning \$1,951. And at Buffalo's Teck Theatre, a one-week run brought in \$9,300. Although by now Herbert Brenon was nearly out of business as an independent producer, Fox couldn't resist the chance to take another jab at him. In the four cities where it had played so far, he boasted, Cleopatra had outearned A Daughter of the Gods by 30 to 40 percent.

In late December 1917, repeating the strategy he'd used a year earlier with *A Daughter of the Gods*, Fox announced plans to send *Cleopatra* on the road with forty touring companies. However, later

reports suggest that only half that many may have actually gone out. The rest of the country wasn't New York, and elsewhere, theater owners were skittish about sales prospects. The previous September, Fox and other exhibitors had tried raising ticket prices at their theaters, but customers balked, and they soon had to retreat to the old price scale. Evidently because he couldn't get the rental fees he wanted for *Cleopatra*, Fox broke with the industry's usual practice of renting a movie for a fixed amount and made deals on a box-office percentage basis. To help exhibitors reel in customers, the studio provided a manager and an advance man to ensure that the movie was properly advertised and publicized.

As it turned out, the rest of the country really wasn't New York. Nationwide, *Cleopatra*'s costumes provoked the same heated controversy over moral standards by which Fox movies had made their reputation and fortune during the previous two years. Fifty outfits Theda may have worn, but how little there was to each one. As a reviewer for the *Idaho Statesman* commented, the star's entire wardrobe "would not provide adequate covering for any woman to wear if she wanted to walk down Boise's Main street without causing a riot." Many local censorship boards took action. In Indianapolis, after Church Federation representatives complained about indecency, the mayor ordered the manager of the Circle, the city's best movie theater, to snip out many of Cleopatra's love scenes with Pharon and Antony. Patronage fell off significantly.

The situation exploded in Chicago. That city had recently become a tinderbox for Fox Film, mainly because of the presence of the formidably named Major Metellus Lucullus Cicero Funkhouser, who as Second Deputy Superintendent of Police served as the local movie censor. An old-fashioned moralist, Funkhouser detested even the slightest public display of physicality. In April 1918, he would order the Chicago Art Institute to remove a nude bronze statue called *The Sower* from its front steps on the grounds that the lack of clothing made it unfit for public display.

With their reputation for sex and sensation, Fox movies had

already alarmed Funkhouser. In the summer of 1917, several months before the release of *Cleopatra*, he denied exhibition permits to Theda's *The Tiger Woman*, her *Camille*, and her *Du Barry*, the last two solely on the basis of their titles. Then he began taking an inordinately long time, sometimes as long as five weeks, to review Fox movies. Time lost was money lost.

In early December 1917, just weeks before Cleopatra's rollout, the roiling tension between Funkhouser and Fox Film erupted. Funkhouser banned Theda's The Rose of Blood, the Russian Revolution-themed movie Fox had made to thwart Herbert Brenon's The Fall of the Romanoffs. Funkhouser alleged that The Rose of Blood constituted a public danger because by showing the use of bombs, firearms, and poison to overthrow a corrupt government, it advocated unlawful mob action. Fox immediately sent the movie to Washington, DC, where the War Department approved it without any cuts or changes. Then he sued Funkhouser for \$25,000 in damages. Cleverly, Fox got a deposition from George Creel, chairman of the U.S. Committee on Public Information, the federal government's wartime censorship agency, supporting The Rose of Blood and saying that because American newspapers had so thoroughly reported the violence in Russia, "it is stupid to try to keep it from the screen." Those words humiliated Funkhouser, who had publicly claimed that Creel was on his side.

Into this martial atmosphere, a few weeks later, *Cleopatra* arrived at Funkhouser's office for review. Of course Funkhouser didn't like the movie. Of course he demanded more than fifty cuts, involving hundreds of feet of film. Fox refused and filed two more lawsuits. The first asked for an injunction to restrain Funkhouser from interfering with the presentation of *Cleopatra*, while the other, filed on Theda's behalf, asked for \$100,000 in damages resulting from Funkhouser's insulting remarks about her costumes. Echoing the language of pro-war propaganda and using his access to the press to hammer away at Funkhouser, Fox defined the issue as one of democratic principle. He would not, he insisted, stand by "without protest and contest" while one person dictated what a million others should or should not see.

It was a shrewd strategy. Fox's lawsuits effectively transferred authority from Funkhouser to First Assistant Corporation counsel Chester E. Cleveland, who was responsible for the city of Chicago's legal defense and who therefore had the right to settle the issue. Amid the noisy press coverage and at risk for substantial monetary damages, city officials abandoned Funkhouser. On April 10, 1918, they gave *Cleopatra* a white, or "general audience," permit in exchange for Fox Film's dropping all its lawsuits against the city. The following month, Funkhouser was suspended from duty for lack of cooperation and a replacement censor was appointed.*

Now Fox had to prove that he had been right in the first place, that Chicago audiences really did want to see Cleopatra. As usual, he relied on money. Booking the movie for four weeks beginning May 27 into the Colonial Theatre, a 1,724-seat Beaux Arts "temple of beauty" on W. Randolph Street, the studio unleashed a tornado of promotional material. Every day, large ads for Cleopatra ran in all Chicago's newspapers, while some eight hundred billboards sprang up around the city, costing a total of about \$5,000. A grand event, this was to be, with a twenty-five-piece orchestra playing at twicedaily performances. On display in the lobby was a large oil painting of Theda backed by an Oriental rug and illuminated by amber spotlights. Enhancing the gala aura, the Colonial hiked ticket prices from the usual fifteen to twenty-five cents to twenty-five cents to a dollar. During its first week at the Colonial, Cleopatra broke house records and took in \$15,000; sellouts continued during the remaining three weeks.

By August 1918, Fox Film trumpeted, some 5.2 million people nationwide had seen the movie—about 200,000 more than the entire population of Egypt at the time of Cleopatra's rule. With a U.S. population in 1918 of 103 million, that meant that one in about twenty people had seen the movie. Fox's boast disguised the difficulty of getting a profit out of a movie that had been very expensive to make and that was very expensive to market. The trick was to understand just how long the enchantment would last in each city. As he learned, *Cleopatra* could easily overstay its welcome. In San Francisco, for example, he had agreed to a West

Coast studio executive's suggestion to extend the movie's two-week run by an extra week: the third week lost \$521.

Notwithstanding either such errors in judgment or Fox's standard policy of exaggeration, there's no question that *Cleopatra* was extraordinarily successful. In January 1919, fifteen months after its release to about four thousand U.S. theaters, Fox was still aggressively advertising the movie to exhibitors in trade magazines. At the time, the typical Fox Film movie had a life span of about nine months.

Fox now had the lasting monument to his name that he wanted. In its time, *Cleopatra* was understood the way he had intended—primarily as a demonstration of the producer's art of orchestration. Summarizing the majority opinion, a reviewer for the *Duluth News Tribune* wrote, "From an artistic point of view, it might be said that the super-picture looks as though the servants of all arts had come to show their best offerings at one place and time." For years, *Cleopatra* would remain a precious, jewel-like achievement, widely admired as one of Fox's greatest commercial and artistic successes.

Today, presumed lost, Cleopatra is a tragic ghost of the silent era. The movie managed to survive for two decades, and in 1935, curator Iris Barry chose to include it in the inaugural collection of the film department at New York's Museum of Modern Art. Sometime later, according to film historian James Card, Cleopatra was lost in "a carefully concealed series of fires in the museum's vaults." Fox Film's own copy also went up in smoke, perishing in the studio's disastrous 1937 Little Ferry, New Jersey, warehouse fire. Only a few feet of film, a few seconds' worth that show Theda posing and dancing, are known to remain. Film historian Anthony Slide discovered those frames in 1974 while working as an archivist at the American Film Institute, and although he tried to donate the footage to the International Museum of Photography and Film in Rochester, New York, it got diverted into a private collection. Hope remains. The American Film Institute has listed Cleopatra as one of its nine "Most Wanted Lost Films."

In the absence of the movie itself, *Cleopatra* has become associated mainly with Theda Bara. Fox Film had blanketed the

media with still photos of her in her opulent, risqué costumes, showing her in alluring poses amid magnificent sets. Despite all the advances of motion picture art ever since, the images are still stunning. Yet William Fox's contribution hasn't entirely disappeared. In the splendor of the details of those *Cleopatra* photos, one can glimpse his ambitious vision for the movies, his exuberant confidence in their future. From the fact that even after many decades of discards and losses, such a great profusion of publicity material still exists, it's clear that he loved this movie and wanted the world to love it, too. *Cleopatra* was a piece of Fox's dream made real.

Anna Fox had advised her son, "You cannot go backward." That was difficult advice to take in the movie business, where financial risk was so high and the guidelines for success so few. It was tempting simply to repeat the whole formula of a proven hit as if it were a magic incantation that would dependably conjure audience bewitchment.

So, Fox made *Salome* (1918), with the same team of Theda and Edwards and much of the same supporting cast and crew. Production began in Los Angeles in early 1918, only about six months after *Cleopatra* had finished filming. Fox intended *Salome* to outdo *Cleopatra* and to become his new consummate achievement.

Salome, which has also been lost, might have been a great movie. The story had never been filmed before, and in recent years it had stirred up the sort of class-based moral controversy that the movies were particularly adept at capitalizing. In 1907, critics had assailed the opening performance of Richard Strauss's opera Salome at New York City's Metropolitan Opera, calling the work "abominable," "blood curdling," and redolent with "moral stench," even though it had premiered to great acclaim in Germany more than a year before. No second performance took place because the wealthy owners of the Metropolitan Opera canceled the rest of the engagement in "the best interests" of the house. Two years later, Oscar Hammerstein tried to take a milder version of the Salome

story, Jules Massenet's 1878 opera *Hérodiade*, to Boston. The mayor banned it in advance.

As Fox well knew, film audiences were far less starchy about displays of flesh. He poured money into Salome. Although claims as high as \$1.29 million were surely inflated, publicity photos and production stories testify to a monumental investment. At the Western Avenue studio in Los Angeles, where production would take six months, reportedly eight hundred artisans re-created ancient Jerusalem, complete with an "almost exact" replica of the Jaffa Gate, two hundred loads of sand hauled in from the beach, and a version of Herod's palace that consisted of a one-hundredfifty-foot-tall central tower flanked by two wings each stretching more than two hundred feet long. Inside, Herod's throne room took up an entire stage and was furnished with twelve huge golden columns. Salome's wardrobe also put a significant dent in the budget. Although her twenty-five costumes were only half as numerous as those of Cleopatra, they were equally magnificent and included twenty different headpieces and five pairs of handmade sandals. And, of course, a Fox super-picture wasn't a Fox superpicture without teeming crowds—the cast allegedly numbered three thousand—and a riotous assortment of animals. Salome's menagerie included forty-four camels and dromedaries, twenty-five hundred horses, and assorted donkeys, elephants, goats, sheep, lambs, oxen, dogs, cats, parrots, cockatoos, doves, pigeons, and peacocks.

Several big scenes flaunted the studio's growing expertise with special effects. After Herod challenges John to produce a sign from God, the prophet's wooden cross lights up and a bolt of fire strikes a statue of Jove, crumbling it to dust. For the final scene, meant to depict the Almighty's wrath at Salome's immoral excesses, director Edwards staged a violent sandstorm by activating ten airplane propellers mounted on stationary pillars. Balls of fire exploded on the palace roof, while various electrical devices placed around the set simulated stabs of lightning against the night sky. Hundreds of costumed extras fled Herod's banquet hall in terror and, assailing her with spiked shields, Roman guards sent Salome to her death.

By the end of filming, Fox had lost interest. He never said why,

but he didn't champion *Salome* the way he had *Cleopatra*. Although he supervised the movie's editing, sloppy errors marred intertitle cards and advertising material. Salome was presented as Herod's cousin, even though she was actually his stepdaughter; Herod's wife was called Marian even though she was Herodias in the Bible, and the story allegedly took place in 40 BC, even though it couldn't have, as John the Baptist was so named because he baptized Christ. (According to general wisdom, John was born around 5 BC and beheaded by Herod in AD 30 or 31.)

When the movie's scheduled opening on August 19, 1918, at the Casino Theatre on Broadway had to be scrapped at the last minute due to a labor dispute, Fox wasn't willing to postpone its release. Instead, he moved *Salome* about as far away from New York as possible, premiering it in late August 1918 at the two-thousand-seat Orpheum Theatre in Seattle. He then quickly rolled the movie out to more than a thousand theaters nationwide, delaying a New York booking until early October 1918. He seemed to believe the movie wasn't worth trying to fix and that it would be better to redeem his investment before trade publication reviewers examined it.

Against the inevitable outcry over indecency, Fox put up only a weak defense. He took no legal action, as he had for *Cleopatra*, to keep the movie intact, and he allowed editors to cut out offending portions. In San Francisco, the *Chronicle* reviewer complained that the story had been "scrambled and completely disinfected." The Dance of the Seven Veils, which ought to have been a centerpiece scene, appeared "only for a moment" and had been whittled down to four veils, with the last three remaining on Salome. (It may not have been Theda who performed the dance; because of the gracefulness, some wondered.) Instead of speaking up himself to defend the film, Fox had Theda and Edwards do so.

Buoyed by the sheer amount of money lavished on it, *Salome* garnered widespread praise among reviewers for its "pomp and pageantry and tinsel." Still, visual effusion couldn't disguise hollowness at the center. As a *New York Tribune* critic commented, "The only flaw is that it appeals always to the eye, but never to the heart." Typically, Theda's performance drew mixed reviews. While

some critics thought that *Salome* represented her best performance yet, the London trade publication *Kinematograph and Lantern Weekly* found Theda's Salome "utterly and triumphantly inhuman . . . repulsive."

Visual splendor and Theda's popularity carried *Salome* at the box office. Although revenue information from this era is always highly suspect because it came from the producers themselves, Fox's claim that *Salome* out-earned *Cleopatra* is plausible. New movie theaters were continuing to open throughout the country and the audience kept growing larger. *Salome* did well enough that in early 1919, Fox was able to close a deal with an Athens-based company to distribute the movie to some five hundred theaters in fifteen foreign countries; the contract was reportedly one of the most extensive ever made for one film.

Overall, though, it wasn't enough to copy the past and simply throw money at the screen. Fox's mistake had been that he hadn't had anything to prove with *Salome* the way he'd had with *A Daughter of the Gods* and *Cleopatra*. His heart hadn't been in the movie, and it showed.

Mirror of the Movies

With Theda Bara well established by the end of 1916, Fox was

able to turn his attention back to William Farnum, the stage actor he'd hired in late 1914 as his intended top male star. Mollified by a \$40,000 annual salary, Farnum had been soldiering through a series of "red-blooded" action-adventure roles in otherwise undistinguished movies. Now it was his turn for the full-scale movie star buildup.

In defining Farnum's screen image, Fox attempted to answer the central question of his own life: what did it take to be a great man in modern America? Having turned thirty-eight on January 1, 1917, he still didn't really know. His father, Michael, had proved useless as a source of information, and Fox had never found an appropriate substitute role model. Socialist leader Daniel DeLeon, his boyhood hope, offered a philosophy that didn't match Fox's desires, while Big Tim Sullivan, who had shown him the brutal processes that underlay the getting and keeping of power and money in America—indeed, the extent to which money was power and power was money—had ended up raving mad and cut in half by a train on the railroad tracks.

Film offered Fox a mirror in which he could experiment with identity. By manipulating the image of the handsome, robust, agile William Farnum, he could create an idealized version of himself, confident that the camera's eye would always select him as the hero while the screen would magnify him to glorious proportions. To

Fox, Farnum was more than just "the greatest living motion picture actor." As he told the press, he had a "profound admiration" for Farnum's "manliness."

The big movies Fox now made with Farnum centered on the conflict between public duty and private happiness. How much was the great man obliged to serve history and to what extent of personal sacrifice? This was a dilemma that Fox would never entirely resolve in his own life. He was always uncomfortable at the blurry border between his on-display persona and his inner self—that was the reason he hated press encounters and almost never allowed himself to be caught in candid photos. The one time he had tried to fuse the two sides of his identity, in his friendship with *A Daughter of the Gods* director Herbert Brenon, the result had been humiliation. He would not repeat that mistake. Instead, he sought answers on-screen through the proxy figure of Farnum.

Fox's confusion, his lack of even a viable hypothesis about how to balance competing impulses, was evident in the first "super de luxe" movie he made with Farnum, *The Price of Silence* (1917). Farnum played U.S. senator Frank Deering, who becomes an antichild labor crusader after meeting a crippled boy in a factory* and then is offered a bribe to betray the cause and save the family of the woman he loves from financial ruin—even though the woman doesn't love him and plans to marry another man. Selfless public service or romantic love?

The movie can't make up its mind and ends up collapsing into maudlin, sloppy sentimentality. Deering takes the money, then casts the deciding vote against a child labor bill. Overcome by guilt, he confesses his crime and goes to prison, where he consoles himself that he has been completely misunderstood. It didn't make much sense. *The Price of Silence* did poorly.

The Conqueror (1917), with Farnum portraying Sam Houston, the so-called "liberator of Texas," was similarly confused—not because of internal illogic but because in telling the story Fox wanted to tell, the movie bumped up against historical facts. Directed by Raoul Walsh, *The Conqueror* (presumed lost) presents Houston as a heroic adventurer who is inspired primarily by love.

According to the movie, the young, poor, illiterate Houston is dazzled by the highborn Eliza Allen in Nashville, becomes inflamed with ambition, and pursues a life of public service. In real life, Houston was an alcoholic, a slave owner, and a reputed philanderer, and soon after their wedding, nineteen-year-old Eliza left the thirty-five-year-old Sam because she didn't love him. Houston went on to have two more wives. The studio tried to dismiss its departures from the truth with a title card stating that liberties had been taken, and with comedy scenes that struck one reviewer as excessive and distracting—nervous laughter, perhaps, masking an uneasy awareness of the distortion of the Houston biography.

In the precincts of great literature, Fox found a surer footing. Faithfully following stories by Charles Dickens and Victor Hugo, he made two large-scale movies with Farnum that clearly defined a vision of the great man's position in history. Both stories emphasized the duality of human nature and both presented the hero struggling, as Fox felt himself to be, to achieve nobility in a fallen world.

It was no wonder that Fox had long admired A Tale of Two Cities, Dickens's classic novel about the divided soul. Its motifs of rich against poor, one national culture in contrast to another, the strong versus the weak—all these oppositions had marked Fox's rise from his impoverished, immigrant childhood. Metaphorically, he was both main characters, the lonely, inner-focused, melancholy Sydney Carton and the optimistic, confident, compassionate aristocrat Charles Darnay. Although Fox's A Tale of Two Cities would have none of the facile allurements of Cleopatra or Salome or A Daughter of the Gods—no scanty, sparkling costumes and no exotic locales—he gave it a monumental setting. At the Western Avenue studio, workers spent two months building gigantic sets of the dual locations: Paris, with a 125-foot-tall replica of the Bastille surrounded by a 20-foot moat and three-foot-thick walls; London, with reconstructions of Fleet Street, the Old Bailey, banks, and alehouses.

Farnum gave an appropriately grand performance as look-alikes

Carton and Darnay. Although the actor had played dual roles in several earlier Fox movies, *A Tale of Two Cities*, which still exists, called for extraordinary precision. Farnum's two characters walk down the street arm in arm, and toward the end, the actor appears in a close-up with himself when Carton bends over Darnay to chloroform him so he can take Darnay's place at the guillotine. Farnum pulled off the trick by counting as he moved and fitting each action to a certain beat so that the two sides of the film would fit together smoothly. One reviewer commented: "I do not remember of ever having seen a film with as many perfectly timed and photographed 'doubles' as there were in this." Psychologically as well as technically, Farnum's portrayal was deft. Directed by Frank Lloyd, he created two characters so distinctly different, without the help of any makeup tricks, that it's difficult to believe the parts aren't played by two different actors.

For the climactic scenes, Fox—who, as he had shown in tinkering with *Carmen* and *Romeo and Juliet*, did not necessarily regard an author's text as sacrosanct—mostly left Dickens alone. In the movie as in the book, the dissipated and despondent Carton recognizes that he is not worthy of his beloved Lucie Manette and so sacrifices his life in order that Darnay may return to England to marry her. The final scene shows Darnay and Lucie with their young son, named Sydney Carton in honor of the family hero. It was a good enough answer for Fox: the great man was the one who gave up his life to history and lived on through the life he gave to others. Released in March 1917, *A Tale of Two Cities* was widely praised as an artistic masterpiece and established Fox Film as a studio capable of first-class, serious work.

The following year, Fox explored adjacent thematic territory in an adaptation of *Les Miserables* (1918): how does the great man absorb the wounds of history and still lead an exemplary life? Hugo's novel about Jean Valjean, the peasant who emerges in brutish condition from nineteen years' imprisonment for stealing a loaf of bread to feed his family, was a passion for Fox.* He considered *Les Miserables* the greatest story next to the Bible, "the epic of a soul transfigured and redeemed, purified through heroism

and glorified through suffering."

Already an unusually hands-on producer, Fox outdid himself with *Les Miserables*. After persuading a very reluctant Frank Lloyd to direct, he imported Farnum and other West Coast-based stars to film in northern New Jersey, so he could keep a close watch. At a reported cost of \$750,000, *Les Miserables* spared no effort to achieve authenticity. The main set was a meticulous reconstruction of nine city blocks of the San Antoine district of Paris, with cobblestones shaped to show the ruts and erosion of heavy carts and colored to simulate age. For scenes involving money, gold and silver coins from the era were rented from collectors. During several months of filming, the cast and crew often worked up to eighteen to twenty hours a day.

Fox personally oversaw the editing, ultimately reducing Lloyd's director's cut by about 35 percent. He had to. Lloyd had turned in thirteen thousand feet of film—thirteen reels, at a time when the average feature film ran for only five. Exhibitors would never book a thirteen-reel movie, Fox knew. They needed to rotate audiences in and out of the theater more frequently than that in order to make a profit. Fox first pared the movie down to fewer than ten reels (about two and a half hours' running time) for its December 3, 1917, premiere at the Lyric Theatre, and then for wide release the following month to about eight-and-a-half reels. The process was, Fox said, "one of the most difficult and heart-rending tasks ever imposed on our organization."

Although no known copies of Fox's *Les Miserables* remain, reviews and production articles indicate that Fox distilled the massive, multifaceted novel into a portrait of Jean Valjean as the ideal father figure. This was the story he most wanted to tell: that of Valjean's restoration to humanity by the bishop's act of kindness, and Valjean's subsequent adoption and devoted care of Cosette, the orphaned daughter of a prostitute. The camera so favored Valjean that, according to one reviewer, "the other figures seem rather pale in comparison." At long last, Fox had found not only an answer to all the bad fathers in previous Fox movies and to Michael Fox, but also reassurance about ethical lapses: sins would be forgiven as long

as one took care of others.

Critics unanimously praised *Les Miserables* as "a blaze of film glory," and "without doubt one of the greatest melodramatic screen triumphs ever done." It had something for everyone. Yale University English professor William Lyon Phelps wrote to Fox, "I wish every one in America could see this picture." The socialist newspaper the *New York Call* applauded the movie's "spirit of revolt . . . a spirit which is at its highest in the world today."

As shaped by Fox, Farnum's persona introduced a new kind of screen hero. Other top male movie stars of the time all specialized according to outward appearance or actions: Charlie Chaplin and Roscoe "Fatty" Arbuckle in comedy; Douglas Fairbanks—a lawyer's son who had attended Harvard-in roles showcasing his athletic grace and easy, debonair charm; Francis X. Bushman as a romantic leading man; and William S. Hart as the archetypal sun-baked, dustcovered Westerner. Farnum's appeal was more fluid and adaptable, based essentially on inner character traits. Constantly battered by events in a wide variety of circumstances, he could neither physically defeat trouble nor escape it through luck or charm. Instead, his victory had to be a moral one, that of doing the right thing whatever the cost. Farnum thus became the American movie industry's first rugged loner hero. It was a prototype that later generations would develop through the images of John Wayne, Gary Cooper, and Humphrey Bogart.

As Farnum brought to life (and profit) Fox's ideas of manhood, the two formed a strong personal bond. It wasn't exactly friendship. There were none of the heated conversations or florid declarations of love that had characterized Fox's relationship with Herbert Brenon. Instead, Fox signaled his affection for Farnum by relaxing his otherwise autocratic demeanor. He never socialized with actors and rarely even with any employees unless they were also close relatives. Yet, during his early 1917 trip to Southern California, he joined Farnum on a fishing trip to Catalina Island. He never stopped worrying about studio expenses—yet, fretful letters to West Coast

headquarters exempted Farnum's movies from the usual rules of cost cutting.

Farnum reciprocated the affection. Because Fox didn't have enough ready cash in mid-1916, Farnum loaned him money to complete the purchase of the new Sunset and Western studio property. And when, following the success of *Les Miserables*, director Frank Lloyd threatened to leave Fox Film and to take Farnum with him if he didn't get higher movie budgets and complete creative control, Fox didn't worry. He knew Farnum would "stand by me." Farnum didn't leave—and neither, for that matter, did Frank Lloyd.

Farnum was the right kind of personality to get along with Fox. He was a born performer: both his parents and his two brothers, Dustin and Marshall,* were actors, and from his earliest days he had learned to enjoy being what others wanted him to be. Although he would at times resist Fox's efforts to make him work nonstop, mostly he was amiable and cheerful. Additionally, like Fox, Farnum revered his mother: he kept a photo of her at the center of his dressing table. And echoing the significance he'd found in mentally reversing F. W. Woolworth's first two initials, Fox did not overlook the fact that he and Farnum shared the two letters in the right order this time.

During Fox Film's first two years, Fox had made movies that primarily reflected the world as he knew it: a harsh environment full of melodramatic passions and events. Now, in relative prosperity, he began to make movies that mirrored the world as he thought it ought to be. Stories acquired a dimension of social consciousness and commented more explicitly on timely issues.

Mindful that much of the movie audience was female, the studio paid special attention to women's issues. In the Fox Film universe, those concerns were centered in domestic life and arose from the conflict between traditional values and modern freedoms. Specifically, the contemporary woman's problem was not that her role as a wife and mother had become obsolete, but that modern society had eroded respect and honor due to her.

A golden opportunity to make this point seemed to arrive with headlines about the murder of John L. de Saulles, a thirty-eight-year-old wealthy real estate developer and popular former Yale football captain. On the night of August 3, 1917, de Saulles was shot five times at close range as he sat on a couch on the front porch of his country home near Westbury, Long Island. The killer was his twenty-three-year-old ex-wife, Bianca, who had been enraged when de Saulles disregarded a court order to turn over custody of their young son. Found by police hiding behind a hedge at the back of the house, the beautiful Chilean heiress declared, "I killed him and I am glad I did it. He refused to give me my child."

Just so did Fox understand the maternal instinct. Rushing into production with *Woman and the Law*, written and directed by Raoul Walsh, he barely smudged the facts. The movie couple was named La Salle, and Walsh's actress wife, Miriam Cooper, who bore a remarkable resemblance to Bianca de Saulles, played "Blanquetta." John de Saulles, dead and thus beyond the risk of filing a libel claim, became Jack La Salle, a "notorious Broadway character" who was having an affair with a dancer and frittering away his wife's money. In real life, de Saulles had put his son to bed instead of turning him over to his mother. In the movie, La Salle kidnapped the boy and told his ex-wife she would never see him again. In both real life and the movie, the young mother was acquitted when the jury decided that the killing was justifiable homicide.

Although *Woman and the Law* failed to draw a large audience, Fox pushed ahead with his campaign to shore up the family. It was a peculiar paradox that having made his fortune selling modern themes to the modern mass audience through the modern age's premier art form, he also fervently longed to return to an old-fashioned way of life. In early 1918, stepping forward to promote *The Blindness of Divorce*, he explained that he wanted "to arouse the public against this curse to men, women and innocent children" because having seen "a good many divorce cases . . . I am convinced that there was not one in ten that was justified." Perhaps he was thinking about Fox Film general manager Winnie Sheehan, who on a business trip to London in May 1916 had married twenty-

three-year-old Ziegfeld Follies showgirl and former Erie, Pennsylvania, telephone operator Kay Laurell. In July 1917, Laurell left Sheehan and filed for separation on grounds of cruelty.

"The Grip of the Demon!" screamed the headline of one ad for *The Blindness of Divorce*, above a drawing of a huge gorilla holding a woman in one clenched fist and a tuxedoed man in the other. A banner at the bottom read, "Society struggling against a monster evil. A tragedy of womanhood!" Another ad showed a drawing of a giant horned devil pushing apart a bride and groom while a small Cupid stood behind them crying. Yet another ad declared, "The woman always pays." Fox expected *The Blindness of Divorce* to create a sensation, but society had moved on. The movie earned only a small profit.

Fox's views on personal relationships did make at least one limited concession to the modern era. Why I Would Not Marry (1918) was supposed to offer a "pitiless exposé" of marriage as a cruel, exploitive trap for women, and it did, sort of. Aided by a clairvoyant, the heroine (Lucy Fox, no relation) foresees the horrifying life she'd have with each of four previously appealing suitors, including both the wealthy banker pushed by her greedy father and the poor lad whom she favors. She rejects them all, forswears marriage, and starts a store with her father. That was as far as feminism, as yet, went at Fox Film. The business does poorly and has to be rescued by a clever traveling salesman, whom the heroine marries. Adventurous ideas retreated to territory Fox deemed safe; the movie failed.

So did almost all Fox's other movies with a social agenda. This wasn't his métier. His expertise lay not on an intellectual plane but in the portrayal of intimate emotional connections. He understood the mass audience one by one, as individuals, not altogether as society.

Only one of Fox's "issues" movies made money. Believed lost, *The Honor System* (1917) advocated prison reform, a cause that had gained widespread public attention in October 1916 when Sing Sing

prison warden Thomas M. Osborne resigned to protest bureaucratic stonewalling of his attempts to introduce humanitarian policies. At the time, the United States had a regular prison population of about 170,000, some 6,000 of whom were serving a life sentence, and most facilities relied on a "bad seed" philosophy of crime that led to brutal, primitive conditions.

Fox already had relevant footage. In 1915, based on a story the studio had bought for \$250 from former *Los Angeles Times* theater critic Henry Christeen Warnack, Raoul Walsh filmed an early version of *The Honor System*, about an inventor wrongly convicted of murder. When another writer sued Fox Film for \$50,000, alleging plagiarism by Warnack, Fox shelved the movie. Osborne's resignation prompted Fox to dust off the film cans, order the addition of new, large-scale scenes, and fight the lawsuit. (He lost, but had to pay only \$1,250.)

Premiering at the Lyric Theatre on Lincoln's Birthday, February 12, 1917, the expanded version of The Honor System ran for nearly three hours and graphically depicted the horrors of prison life. Scenes filmed in an abandoned prison in Yuma, Arizona, once considered one of the nation's worst, showed hundreds of inmates "flogged at the stake, thrown into cells reeking with filth, darkness and snakes," and being forced to eat bread infested with maggots. Rats gnawed, flies buzzed, and large cockroaches crawled along the prison bars. To alleviate their loneliness—and to introduce the touch of humor that Fox believed even the most serious movie should have—prisoners communicated with one another by sending messages on scraps of paper on the backs of the cockroaches. The movie's ending, filmed at a modern prison in Florence, Arizona, pointed the way toward more humane treatment by showing "light, airy cells" and officials treating inmates, some of them actual prisoners, respectfully.

The Honor System hit a nerve. At the premiere, loud applause greeted intertitles pleading for prison reform. One read, "Whoever is indifferent to the fate of the unfortunate wards of Society contributes to their misery; for we are our brother's keeper ..." Another urged, "Let us discard revenge, let us build a system based

on education, opportunity, justice, honor." After five weeks at the Lyric, where it drew an audience of one hundred thousand, the movie was ready for national release. Aiming to activate a "public conscience," Fox Film mailed out an elaborate assortment of literature about prison reform, including a twenty-four-page booklet, to a million people—reportedly, the widest diffusion of movie information ever. The studio also arranged to have the movie shown at the American Prison Association convention to some five hundred state governors, prison superintendents, wardens, and other prison experts.

The Honor System unveiled a new compassionate side of Fox's worldview. Previously his movies had condemned criminals harshly because their stories looked mainly at the victims. Now the camera swung around to examine society's responsibility toward the accused. Of course, it helped that the film's hero, Joseph Stanton, was innocent—and also the sort of person who would, as he did, literally crawl back to the barbaric prison because he'd promised to do so. Still, according to the movie, all prisoners were potential Joseph Stantons, potentially trustworthy—and so were all people. The broader message, studio materials said, was that individual "love and faith" would triumph "in the struggle against the horrible oppression of the social order." For that "sincerity of purpose," Variety called Fox "a benefactor of mankind as well as an artistic producer."

Shortened to eight reels, or about two hours, for general release, *The Honor System* earned about \$500,000 in rental fees. Fox's other, failed social commentaries had preached. *The Honor System* tried to understand and forgive.

One subject that Fox wasn't willing to touch again was racism, even though the problem had intensified since he'd made *The Nigger* in 1915. A growing "nativist" movement in the United States identified "original Americans" solely as whites of Northern European heritage and targeted all other groups as inferior and unwelcome. Allegedly inferior races included not only African

Americans, but also "Hebrews," whom the U.S. Immigration Commission had described in its 1911 *Dictionary of Races of Peoples* as a distinct subgroup of the Caucasian race. In 1916, Madison Grant's *The Passing of the Great Race* became an instant best seller by arguing that only Aryans had built great civilizations and that the United States' "suicidal" policy of accepting "the sweepings" of European jails and mental asylums would "produce many amazing racial hybrids and some ethnic horrors." Grant was a New York City lawyer educated at Yale and Columbia.

Not only was Fox unwilling to use his movies to protest these ideas, but he sometimes reinforced malignant racial stereotypes. In The Liar (1918), an expectant mother (Virginia Pearson) is terrified that her child will be born black. One scene showed the image of a white baby dissolving into that of a black baby. In The Conqueror, an African American "mammy," asked by her owner to relay a simple message containing the word constrainedly, mangles it unintelligibly, and a male slave named "Old Jumbo" speaks simpleton lines such as, "Ol' massa, he done send me to bring yo' back." Only occasionally and only peripherally did Fox movies hint about the dignity of other races and the danger of persistent oppression. In the climactic scene of Betrayal (1917), a group of African American U.S. Cavalry troopers saves the day by defeating a band of Mexican border raiders. In Theda Bara's Heart and Soul (1917), a cruel Hawaiian sugar plantation owner who had started a revolution against the U.S. government is killed not by American soldiers, but by a slave boy who has come to hate him because of his brutality.

The reason for Fox's caution was, as usual, money. Despite all the studio's income during its first two years, he worried constantly about going broke. Even one movie could ruin a producer: D. W. Griffith was on the ropes financially in the aftermath of *Intolerance*, and Thomas Dixon had been forced to sell his new Los Angeles studio on Western Avenue to Fox in mid-1916 after the failure of *The Fall of a Nation*, which Dixon had directed as a sequel to Griffith's *The Birth of a Nation*. In a letter to the West Coast studio, Fox fretted, "I do not want to make any pictures with anyone whom

the exhibitors do not want and which we cannot readily sell."

Off-screen, Fox did what he could. Believing that economic power drove social change, he went out of his way to employ minorities in ancillary positions. For the 1916 run of *A Daughter of the Gods* at the Lyric Theatre on Broadway, he hired young African American women as usherettes—the first time in the Lyric's history that had been done. Soon, African American usherettes were working at all the major Fox theaters. On Fox movie sets, the atmosphere was notably egalitarian. A journalist visiting the restaurant at a Fox studio in Fort Lee, New Jersey, in 1917 remarked, "It seemed the melting pot of the races with a vengeance . . . here was no color line drawn, and blacks and whites mingled freely."

Despite Cleopatra, Salome, A Tale of Two Cities, and Les Miserables, junk movies still abounded on the Fox Film release schedule. They more or less had to. By 1917, the studio was operating on a production schedule of at least one feature film per week. Even if it had been possible to turn out one spectacular after another at that pace, the industry structure wouldn't have supported the plan. Many exhibitors still operated relatively small theaters and changed their program every two or three days. They needed films, lots of them, that could be rented relatively cheaply and shown for ten to twenty-five cents a ticket. To serve that demand, Fox churned out bread-and-butter movies with \$20,000 to \$30,000 budgets and shooting schedules of about three weeks. A great many of his customers rented these on a contract basis, signing up and paying in advance for a year's worth.

Here, consequently, were the same slapdash melodramatic plots, the same women in distress, the same bad fathers causing trouble, the same drunks and gamblers and cheating husbands. Many titles during Fox Film's 1917–1918 season shrieked their lurid intent—The Soul of Satan, One Touch of Sin, The Price of Her Soul, A Branded Soul, The Forbidden Path, Her One Mistake, Other Men's Daughters, Sister Against Sister, and When a Woman Sins—while production

values lapsed into a cheap "hurry up, who cares" spirit. In *Tangled Lives* (1917), for instance, one set showed "a lot of three-cent wall-paper with abominable figures in it slathered over the walls of what was supposed to be the home of an heiress." As the trade publication *Wid's Daily* observed, "It must be that there is a market for this sort of wild-eyed junk, because Mr. Fox persists in making it."

Indeed, there was such a market, and so the mirror of Fox Film reflected two visions: one of the movie audience as Fox wished it to be—cultured, discerning, eager to learn—and the other as it largely kept telling him it was—unthinking and sensation-seeking. Without the second vision, Fox believed, there would be no money for the first.

"All His Secret Ambition"

What, then, is the character that actually marks the American—that is, in chief? . . . It is, in brief . . . social aspiration . . . The American is a pusher. His eyes are ever fixed upon some round of the ladder that is just beyond his reach, and all his secret ambition, all his extraordinary energies, group themselves about the yearning to grasp it.

—H. L. MENCKEN, 1920.

As he changed the motion picture industry, Fox also changed himself. He was a sort of early Jay Gatsby, already successful, wealthy, and happily married in the late 1910s when Fitzgerald's hero was wearing army khakis, but still with the same unquestioning faith in the possibility of transformation, the same inner eye fixed on the green light at the end of the pier.*

Like Gatsby, of whom Fitzgerald wrote, "No amount of fire or freshness can challenge what a man will store up in his ghostly heart," Fox continued to believe in America as a meritocracy. In this respect, he differed significantly from the other early American motion picture studio founders. In *An Empire of Their Own*, Neal Gabler contends that all the first-generation studio founders, recognizing that they were "proscribed from entering the real corridors of gentility and status in America," set about creating "a new country—an empire of their own." According to Gabler, these

"Hollywood Jews" constructed Southern California social life as an accessible alternative to the eastern Protestant establishment.

However well the stereotype may fit the other early moguls, the facts of Fox's life resist such generalization. Fox wasn't a Hollywood Jew. By the sights of the world, he was a New York Jew who ran a movie studio, and by his own sights, he was an American who happened to be Jewish and who ran a highly successful major corporation. Fox always kept both his family home and his business headquarters in New York, close to the center of financial power. He never owned a home in California, preferring to stay in hotels there, and he never socialized with the "Hollywood Jews" except in connection with business.

Fox had no interest in settling for a second-best "empire of their own." He wanted a place at the very top in the pantheon of industry leaders. He was confident that America would allow him to earn that status.

He still had a lot of rough edges. He knew that. It was obvious. Screenwriter Frances Marion, who interviewed at Fox Film for a job during this time, recalled a spartan, dour atmosphere where Fox's outer office "resembled a small courtroom" with a "liverish secretary at a desk that faced two rows of aspirants." As she wrote in her memoirs, Fox himself rattled her nerves with his constant "pistol shot" interruptions as she was trying to explain herself. Yet, she liked him well enough. He wasn't the "ogre" she'd expected. Reporters also found him inscrutably aloof. He was, one wrote, "black-eyed . . . a profound cigar smoker, and silent."

Fox could easily handle the visual aspects of his demeanor. Images were, after all, his business. By the mid-1910s, he had moved his wife and two daughters from Mount Hope in the Bronx to a town house at 316 West Ninety-First Street, on Manhattan's fashionable Upper West Side. That was convenient, but hardly expansive enough. He had lived his whole life in one of the most crowded cities in the world, and in this environment, the ability to command space, especially by using it decoratively and to create

distance from neighbors, had become a hallmark of power. Many in the upper class were moving to sumptuous estates on Long Island, which since the recent completion of the Long Island Rail Road had enjoyed relatively quick, dependable, and comfortable transportation to and from Manhattan. Between 1900 and 1918, some 325 houses with twenty-five or more rooms were built on Long Island.

The richest of the rich (the Morgans, Chryslers, Fords, Vanderbilts, Guggenheims, William Randolph Hearst, Nelson Doubleday, Thomas Edison, Theodore Roosevelt, and Louis Comfort Tiffany) headed for Long Island's North Shore, the so-called "Gold Coast." Fox, not yet in that league, settled on the less fashionable, less palatial South Shore. Here, by 1916, he had rented an ivycovered, gray flagstone mansion at the corner of Pond Lane and Woodmere Boulevard, in Woodmere. The house, owned by German immigrant silk merchant Arthur Emmerich, was relatively modest. With sweeping rooflines and dormers, it belonged to the "shingle style" of architecture that aimed for a cozy, cottage-like sense of enclosed space rather than stately magnificence. A gravel path led from the street to the front entrance; in the backyard were rosebushes, a privet hedge, and a small garden.

Fox intended this "country home" to be an escape from the past, but not from the present, which he brought with him. At the back of the house, he installed a one-room, fireproof building from which a projector beamed movies onto a huge waterproof screen about thirty or forty feet away, on the lawn. On summer evenings, sitting in a wicker chair in a "wheelable" room that had wire netting walls to keep out the mosquitoes, Fox watched movies with his wife and daughters. Sometimes, even after midnight, he might head back to Fox Film's Forty-Sixth Street headquarters for a meeting. A chauffeur drove him. After getting several speeding tickets, Fox no longer trusted himself behind the wheel. On weekends, sitting at a lawn table underneath a striped umbrella, he smoked cigars and read scripts.

He became punctilious about his personal appearance. The boy who once put cardboard in the soles of his shoes still couldn't bring himself to spend a fortune on clothes, but he held to strict standards of cleanliness and tidiness. He wore only white socks because he believed dyed garments were unhealthful next to the skin, and he shaved twice a day. To avoid looking scruffy after late-night meetings, he had a standing appointment with his barber, Gus, at 1:00 a.m., in the private barbershop in his office, which was hidden behind a secret panel in the projection room.

He also began to cultivate the habits of the wealthy. With the Woodmere Club across the street from his Long Island home, he took up golf, which had become fashionable as an upper-class sport—both presidents Taft and Wilson were enthusiastic players—and which was then being promoted as a means of sharpening leadership skills. A *Variety* article from this era described golf as "a contest, a duel or a melee calling for courage, skill, strategy and self-control" that "affords the chance to play the man and act the gentleman." Despite having to swing one-handed due to the childhood accident that had mangled his left arm, Fox developed considerable expertise. One acquaintance told a reporter, "He plays golf as he works and plans—alone."

Eva Fox kept pace with her husband's social ambitions. Because of her father's protectiveness, she had avoided most of the meanness of Lower East Side life and had never acquired its coarse habits. While Fox himself would always retain a street accent—films were "fill-ums," and he pronounced *Les Miserables* as "Lah Miserable"—Eva might have come from anywhere or any class. She learned quickly how to dress fashionably but not flashily, how to groom their daughters to act as nice young ladies, and how to keep the pleasant, orderly, loving home that was so essential to Fox's ability to concentrate on work.

If Eva fulfilled all Fox's hopes for a helpmate, however, she never exceeded them. The insularity of her upbringing had instilled a fear of the outside world and Fox's aggressive personality, along with his old-fashioned ideas about gender roles, meant that she had essentially replaced one male authority figure with another. She always looked to her husband for direction. She never joined any women's clubs or charitable organizations and never befriended

other well-to-do wives in ways that might have helped speed their social inclusion. In fact, Eva never had any close friends or any social life beyond the family circle—she met the people Fox wanted her to meet when he brought them home—and rarely did she accompany her husband to public events. He never complained. Indeed, Eva's complete submission reinforced his sense of total control over his life.

Fox's birth family also got an overhaul. With the exception of his revered mother, who could do no wrong, they were a potential embarrassment: an awkward, undistinguished, lumpish lot, lacking any fire of ambition. Who knew what they might get up to if not taken firmly in hand?

None objected. After more than two decades with Fox as their main provider, his parents and siblings were used to his management. And certainly it was easier to follow his well-meaning, if intrusive, directions than to try to earn an independent income.

Fox moved his parents and his youngest siblings, Maurice and Malvina (who, born in 1906, was younger than both Fox's daughters), into an apartment at the newly built, upper-class Hotel Theresa at 125th and Seventh Avenue, in then largely Jewish Harlem. He replaced his mother's humble, unadorned cottons and wools with black silk dresses, pearls, and diamond jewelry. Michael Fox, of course, inspired no such feelings of devotion, but duty required that he be included in the largesse. Indeed, now Fox could make his father into the sort of man he should have been all along. He bought Michael expensive three-piece suits, bowler hats, and walking sticks so that, according to Fox's niece Angela Fox Dunn, Michael started to resemble "an early version of Adolphe Menjou."

Fox's brothers Aaron and Maurice, sixteen and seventeen years younger respectively, presented a particular challenge. Neither the heavyset, homely Aaron nor the boyish-looking, curly haired Maurice had anywhere near the capabilities of their older brother. Aaron was, by all accounts, lazy, incompetent, vain, and hedonistic, while Maurice was mentally unstable and prone to delusions. Fox propped up both his brothers professionally. In the early 1910s,

when the teenaged Aaron and Maurice tried to become talent managers, Fox showcased a singing trio they managed at the Dewey Theatre. After that career fizzled, Fox took Aaron into Fox Film and assigned him to work as a production manager with a lesser director. According to a family story, in the mid- to late 1910s, Maurice began attending classes at Columbia University Law School. It's possible. Although the university has no record of his enrollment, documentation from that era is incomplete. Maurice, then twenty-one, listed his occupation as "student" on his June 5, 1918, draft registration card, and the Hotel Theresa was only a short walk from the Columbia University campus.

As for his three sisters, Fox settled the two older ones into respectable marriages as soon as possible. Neither woman wanted anything different, and according to family members, neither had the looks or the personality to warrant a highly demanding search for a mate. In 1911, twenty-three-year-old Tina Fox married architect William Fried, a cousin on their mother's side; Fried would be rewarded over the years with many Fox theater construction projects.

In the fall of 1915, twenty-four-year-old Herman Livingston, whose family had started the Livingston Oil Company in Tulsa, Oklahoma, presented himself to Fox as a candidate for the hand of nineteen-year-old Bessie Fox, whom he had met in Atlantic City. Livingston was so worried about meeting Fox that when a *Tulsa World* reporter asked him beforehand about rumored wedding plans, Livingston became noticeably agitated. "I'd rather not discuss the matter. It's a question which is quite personal, you see, and I do not feel at liberty to talk about it at this time," he stammered. "From where did such information come?" Livingston actually had nothing to fret about. He came from a millionaire family, owned considerable stock in his family's business, and, despite his Anglicized name, was Jewish. He and Bessie married in August 1916.

Fox's third sister, Malvina, was too young for such summary handling. Anna Fox's last child, born two years after Fox opened his first movie theater at 700 Broadway in Brooklyn, Malvina was the only member of his birth family whom Fox was able to rescue completely from poverty. Almost obsessively, he made sure that Malvina enjoyed every luxury. Blessed with pale skin and auburn hair that she wore in ringlets, she was the prettiest of the Fox sisters. He bought her silk dresses, sent her to a private school, and paid for portrait sessions with society photographers. According to Malvina's daughter, Angela, "Uncle Bill protected, guided, and supported her life from birth."

Of all Fox's siblings, Malvina probably paid the highest price. The others had all grown up while Fox was still struggling to get ahead, so each had developed some independent sense of identity to hold on to while playing the assigned role. Malvina never had a clear field to discover herself. Since her birth, Fox's money had dominated and distorted the family structure, stripping Michael Fox of paternal authority so completely that he was more like a brother than a father to Malvina.

Yet "Brother Bill," as Malvina called Fox, didn't just play the role of a substitute father figure. He also expected Malvina to be the person he thought he would be if he were in her position. In the late 1910s, when chronic illness began to keep Anna Fox in bed for days at a time, when little brown bottles of medicine appeared on her bedside table, Malvina had to become her mother's nursemaid. Fox could have hired a professional, but Anna wanted Malvina, only Malvina, to care for her. Although she loved her mother dearly, the constant need to stay at Anna's side compelled Malvina both to grow up too soon and not to grow up at all. Her peers were exploring the world and having fun; she always had to hurry home from school to listen for Anna's summoning bell. Amid her anxiety and confusion, she developed a guttural lisp that would require years of speech therapy to correct.

Eva's brothers Jack and Joe Leo also got swept under Fox's paternalistic wing. In the early years, both men had managed Fox theaters, and after the formation of Fox Film, both became studio executives. Jack, the sharper of the two, first oversaw the processing laboratories and, in July 1917, became head of the scenario department. Grateful for his good luck, he carried out

orders with alacrity, avoided conflict, and above all displayed fervent loyalty to the boss. Somewhat less steadfast, Joe Leo had left Fox in the early 1910s to run his own vaudeville booking agency, but returned to serve first as a business manager for various Fox movies and then, beginning in late 1917, as assistant to the general manager of the Fox circuit of some twenty theaters.

Just as if real life were a movie, Fox was telling a story to the world, creating images of a happy, harmonious, prosperous family.

An early Fox Film publication described Fox as someone who, "with the drive and push that is typically American, goes out and goes after what he wants."

Astutely, Fox discerned that the fastest way to gain social status in 1910s America was through philanthropy. That strategy had worked wonders for both Andrew Carnegie, who was well on his way to giving away \$350 million before his death in 1919, and John D. Rockefeller Sr., who, after starting the Rockefeller Foundation in 1913, had donated \$100 million to "promote the well-being of mankind throughout the world." Once the most demonized industrialists of the Gilded Age, Carnegie and Rockefeller were transforming themselves into saintly public benefactors.

Fox's image problems weren't quite as bad as those of Carnegie and Rockefeller, but the movie industry still had a markedly disreputable aura, and his own public profile, thanks to Fox Film's continuing emphasis on sex and violence, remained controversial. In the public mind, good works signaled good intentions. Fox understood their power to alter the perception of past acts.

He began on familiar territory. For years, he had quietly but generously supported Jewish charities, frequently loaning his New York City theaters for children's events sponsored by Young Judaea and the YMHA. Now in December 1917, Fox volunteered for the Jewish War Relief's two-week fund-raising drive to benefit an estimated five million Jewish victims in occupied territories in Europe. The need was dire. "Conditions indescribable. One million

people perishing from hunger and cold," representatives in Poland and Lithuania cabled to the group's New York headquarters. "America practically sole help."

Heading the Jewish War Relief campaign were two businessmen who occupied the position in American life to which Fox longed to ascend. National chairman Jacob H. Schiff was the senior partner of the Wall Street banking firm Kuhn, Loeb & Co., and the campaign's second-in-command was Schiff's forty-six-year-old son-in-law and Kuhn, Loeb associate, Felix M. Warburg. Proudly Jewish, both were well assimilated professionally, socially, and culturally. At seventy, Schiff had amassed a \$50 million personal fortune and owned a palatial home at 965 Fifth Avenue, while the dandyish, opera-loving Warburg was widely admired for his generous philanthropy. Certainly, having been born into wealthy German families, Schiff and Warburg had had an easier time than Fox. Still, they were the most relatable figures on the landscape; with them, he at least shared the bond of religion.

A fund-raising novice, Fox was assigned to work as one of twenty lieutenants under "Captain" Harry B. Rosen, a leading insurance seller specializing in the entertainment business. It was a lowly, shoe-leather-to-the-pavement position, but Fox threw himself into it. When the campaign began on December 3, 1917, he walked away from Fox Film for the entire two-week duration, even though the studio was about to release Cleopatra nationwide and was in preproduction on Salome and Les Miserables. Night after night, trudging through snow and sleet, Fox stayed out as late as 3:00 a.m. making speeches in cafés, restaurants, and other public places about the war victims' plight. He personally gave \$40,000—the secondlargest amount of the campaign, exceeded only by Jacob Schiff's \$200,000—and made additional donations on behalf of Eva and their daughters. When the New York campaign ended, meeting its \$5 million commitment toward the \$10 million national goal, "Captain" Rosen's team placed first among the city's fifty-four teams, with a total of \$329,127. "Lieutenant" Fox had raised most of that sum.

A few weeks later, Fox agreed to help lead another campaign.

This one aimed to raise \$4.5 million for the Federation of Jewish Philanthropic Societies, which Felix Warburg had founded the previous year as an umbrella organization for seventy-six Jewish charities in New York City. At his own expense, Fox set up an office in the Hotel Claridge at Broadway and Forty-Fourth Street and—to introduce novelty and enthusiasm, because they would be approaching the same people who had donated to the Jewish War Relief campaign—recruited five thousand children to do most of his team's canvassing. The young volunteers, aged twelve to sixteen, quickly signed up twenty-six thousand new Federation supporters toward an overall total of fifty thousand. It was, said philanthropist David A. Brown, "the most spectacular and fastest moving campaign in the history of New York up to that time." (Collecting the money was another matter. Some of Fox's juvenile workers made up names and addresses or wrote them down incorrectly. Others submitted pledges from real people who later denied having agreed to contribute. Although Fox set up an organization to speed collection, the Federation ended up having to reach out to traditional funding sources to cover the deficit.)

Fox might have turned his new philanthropic status toward greater personal advantage. His bosses on the two Jewish fundraising campaigns, Schiff and Warburg, ran one of Wall Street's leading banking firms and had access to tens of millions of dollars. Fox appears to have made no play for their money, and two years later the firm would become the bankers for Fox Film's chief rival, Famous Players–Lasky. Through his charitable activity, Fox was after a different kind of reward, the secret desire of all his ambition: the chance to prove himself a leader of American society.

On Sunday, February 24, 1918, the entertainment industry sponsored a formal-dress dinner in the grand ballroom of the Hotel Astor to honor Fox for both his charitable work and his leadership in the motion picture industry. More than 1,200 people, a wideranging assortment of public figures, attended. Among them were Schiff and Warburg; Henry Morgenthau, the former U.S.

ambassador to the Ottoman Empire; and Fox's entertainment world competitors Adolph Zukor, Nicholas Schenck, George M. Cohan, and Lee Shubert. From political circles came the city's fire commissioner and police commissioner, New York lieutenant governor Edward Schoeneck, and federal judge Martin T. Manton. The *New York Morning Telegraph* commented, "[N]ever before have so many men of different stations of life gathered together to do honor to one who simply styles himself a motion picture producer."

Speech after speech praised Fox's generosity and public service. At the end of the dinner, presented with an inscribed gold tablet, Fox rose to thank the group. Before he said a word, the audience gave him a standing ovation.

From his start in Jewish fund-raising, Fox made his way into the broader philanthropic community. In March 1918, invited by Knights of Columbus leaders, he helped raise money to benefit Catholic servicemen—and as a condition of his participation, he persuaded the organization to double its original goal to \$5 million. If the Jews could raise that much money, he said, so could the Catholics. The only non-Catholic among one hundred Knights of Columbus campaign workers, Fox promised to raise \$150,000 from New York City's Jewish community. That turned out to be more difficult than expected. Although he gave \$5,000 himself and pressed Fox Film stars and directors to contribute, almost no one else wanted to help. Some Jews told him they resented being approached on behalf of a Catholic cause. Goodwill from his previous two campaigns saved the situation. Convinced that Fox was "doing this most unselfishly," Felix Warburg increased his planned contribution from \$1,000 to \$5,000 and wrote to his friends asking them also to give generously. Fox met his quota, the Knights of Columbus reached its \$5 million goal, and Church authorities called Fox to their residence to bless him for his help.

Two months later Fox helped lead the Red Cross's \$100 million wartime fund-raising drive. They hadn't wanted him. By the time he read about it in the *New York Times* while on vacation with his

family in White Sulphur Springs, West Virginia, the campaign had already been organized into teams according to industry—with none for entertainment. Fox rushed back to New York to ask millionaire Cornelius N. Bliss Jr., head of the local Red Cross effort, for permission to lead another team. Bliss refused. They had already printed the stationery, and they weren't going to pay to have it redone. Bliss changed his mind when Fox handed him a personal check for \$750,000 and promised that if he didn't raise at least that much, the Red Cross could take the shortfall from him.

As head of the newly created Allied Theatrical and Motion Picture Team, Fox entered a glittering circle of wealth and social position. Other Red Cross team leaders included J. P. Morgan Jr., John D. Rockefeller Jr., American Tobacco Company president Percival S. Hill, Mrs. W. K. Vanderbilt, and Mrs. Edward H. Harriman, who had inherited \$70–\$100 million upon her railroad tycoon husband's death in 1909.

One name had a special allure. Rockefeller Jr., five years older than Fox, seemed to epitomize the best aspects of American success. The son of the richest man in the world, and a Phi Beta Kappa graduate of Brown University, he had gone to work at the New York headquarters of his father's company, Standard Oil, but hadn't flaunted his advantages. "Junior," as they called him around the office, was known to be at his desk every morning at nine and to stay every day until five, taking only a quick lunch break at a popular-priced neighborhood restaurant. A churchgoing Baptist, he was happily married to his college sweetheart, Abby Greene Aldrich, the daughter of Rhode Island senator Nelson W. Aldrich, and by 1918, when Fox met him, the couple had six children. To Fox, Rockefeller Jr.'s life looked like what money was supposed to be able to buy.

Fox was acutely aware of Rockefeller Jr.'s presence at Red Cross events. At a planning meeting at the Delmonico Hotel, when called upon to address the large group, Fox noticed that "Rockefeller turned around and faced me and looked me square in the eyes." For that to have happened, Fox must have been watching him. Fox sensed an instant sympathy. When he began speaking, even though

others in the room snickered, he saw that Rockefeller Jr. didn't. He was sure he knew what Rockefeller Jr. was thinking—that for both of them it was "a privilege and honor" to aid such a good cause.

Eager to build on this sense of kinship, Fox made an astonishing personal sacrifice. He desperately wanted to come in first among the thirty-one Red Cross teams and, working virtually around the clock, had arranged a tornado of glamorous fund-raising events for the weeklong campaign in late May 1918—among them, appearances by stars every night at all 1,250 of New York City's theaters, a seven-match "boxing carnival" at Madison Square Garden, a Metropolitan Opera House concert featuring Enrico Caruso, and a gala ball at the Hotel Astor. Referring to the campaign's last day, he told a reporter, "If you hear an ambulance clanging next Tuesday, and at the same time you learn definitely that Team No. 7 has not the biggest total, then you may be sure I am dead inside that ambulance."

His team did come in first, with \$1.1 million. However, at the closing dinner ceremony at the Waldorf-Astoria Hotel, Fox underreported his total so that Rockefeller Jr., with \$1,026,000, could get top recognition.

Rockefeller Jr. wasn't even present that evening. Fox was certain, though, that once he turned in the full \$1.1 million, his hoped-for friend would realize what he had done. That seemed to be the case when, soon afterward, Rockefeller Jr. sent him a handwritten congratulatory letter. Rockefeller Jr. might have written similar letters to all the Red Cross team leaders, but Fox chose to believe he'd been singled out specially. He also chose to believe that Rockefeller Jr. understood Fox's motives—that is, he understood how much Fox admired the Rockefellers and that he had no desire to surpass them in public glory.

Rockefeller Jr. was not the open book that Fox thought. Like his father—vilified as an unprincipled predator in Ida Tarbell's 1904 best seller, *The History of the Standard Oil Company*—the son had a complex, contradictory character. In the eyes of some, Rockefeller

Jr. had blood on his hands. In September 1913, miners had gone on strike at the Ludlow, Colorado, camp of the Rockefeller-owned Colorado Fuel and Iron Company. Although five of their seven demands simply called for the company to recognize rights already afforded by state law, Rockefeller Jr. refused to negotiate. Seven months later, angry because the miners still hadn't returned to work, he pressured the governor of Colorado to send in two hundred state troopers armed with machine guns. For fourteen hours on April 20, 1914, the militia sprayed bullets at the miners' canvas tents, set them on fire, and detonated dynamite. Women ran from the burning tents with their clothes on fire. By the end of the day, the Ludlow camp had been reduced to charred debris and forty-five people, more than two-thirds of them women and children, were dead. In August 1915, the U.S. Commission on Industrial Relations blamed Rockefeller Jr. for the "massacre" and described him as dangerously "autocratic and anti-social."

Fox ignored those well-publicized facts. He also ignored the insult when Rockefeller Jr., who was organizing the New York division of a final wartime fund-raising effort, the United War Work Campaign of November 1918, asked him to serve on the entertainment industry team under George M. Cohan. Fox politely refused and got the position of team chairman only after Cohan declined it. Fox believed he could change Rockefeller Jr.'s mind about him. Taking over an entire floor of a West Forty-Second Street office building, he put three hundred people to work around the clock, and raised nearly \$1 million. Diplomatically, his team came in third, behind one led by a Rockefeller Jr. cousin and another by the son of one of Standard Oil's original investors. For years, Fox would continue to try to curry favor with the Rockefeller family, and for years, he would continue to trust that his efforts were well appreciated.

Further to prove himself a great American, Fox put Fox Film in service to the war effort. After the United States declared war in April 1917, Fox ordered studio writers to add patriotic scenes to

current productions and he set in motion the first of about a dozen pro-war movies made in close cooperation with the U.S. Committee on Public Information, the federal government's wartime propaganda agency. With President Wilson having recognized films as "the very highest medium for the dissemination of public intelligence," committee chairman George Creel formed a film division. Fox Film, Creel said, "very generously" placed its entire organization at the government's disposal. (Creel would return the favor in late 1917, by defending Theda Bara's Russian Revolution movie, *The Rose of Blood*, against Major Funkhouser's censorship attempts in Chicago.)

Although none of the Fox propaganda movies are known to have survived, reviews indicate that most of them were densely packed melodramas riveted with sex interest and shaped by simplistic, even cartoonish, notions of patriotism. "Ridiculous . . . very cheap junk," Wid's labeled Fox's first propaganda movie, The Spy (1917), "apparently being aimed only to prove Germans boobs and brutes." Scenes showed a handsome young American spy (William Farnum's brother Dustin) strolling into the Berlin home of the German secret service chief without anyone trying to stop him and later being tortured and shot against a stone wall by a German firing squad.

Subsequent releases barreled down the same track. *The Prussian Cur* (1918)* portrayed an "invisible embassy" of German undercover agents burning U.S. factories, sabotaging trains and aircraft, fomenting labor rebellions, and stealing U.S. military secrets. Stuffed about two-thirds full of newsreel cut-ins, the movie otherwise had no discernible story. *Kultur* (1918) purported to reveal the salacious truth about the war's inciting event. That is, Austrian archduke Franz Ferdinand was murdered not by a political fanatic but by an admirer of a beautiful courtesan (Gladys Brockwell), whom the archduke had banished for fear of her influence over his lecherous old fool of a father, Emperor Franz Josef. "It might be expected that if anyone was going to pull such a thing, it would be Bill Fox," commented *Wid's Daily*. "Bill certainly runs wild sometimes."

Conversely, Allied soldiers were champions of honor and

freedom. In mid-1918, as literally the picture of positive thinking, Fox made *Why America Will Win*, a film "biography" of General John J. Pershing, commander of the American Expeditionary Forces in Europe. To coincide with the movie's release, studio publicists prepared a thirty-five-thousand-word biography of Pershing to run in one hundred newspapers nationwide and ordered one million copies of a sepia-toned portrait of Pershing, "suitable for framing." In the same flag-waving spirit, advance advertising for Fox Film's recruitment movie, *18 to 45* (1918), made after Congress voted to increase the upper age limit of the draft to forty-five, showed five handsome Allied soldiers with bayonets pointed downward at cowering, wild-eyed, gargoyle-featured Germans with jagged teeth and gnarled hands.

Fox's hyperemotional portrayal of the war reflected his pragmatic assessment of the industry's financial reality. As always, movies were expensive products that could ruin a studio if unpopular, and audiences had made it clear that they didn't want somber realism. In a March 1918 article titled "Cut Out the Sobs," the trade publication *Motography* quoted exhibitor after exhibitor along the lines expressed by an Ann Arbor, Michigan, theater owner: "People certainly do not want so many depressing, tragic stories when the whole world is one great tragedy. People go to the movies to gain a little respite from the awful gloom that hangs over the world."

Besides, everybody was going overboard. One of the most successful World War I propaganda movies, *The Kaiser, the Beast of Berlin* (1918), produced by the Renowned Pictures Corporation and distributed by Universal, presented the Kaiser as a vain, strutting, physically deformed egomaniac who was terrorizing the world. An introductory title card noted that the facts had been "treated with dramatic license." Even D. W. Griffith made *Hearts of the World*, which remained a lifelong embarrassment for him and star Lillian Gish, who found its depiction of German brutality absurd: "Whenever a German came near me, he beat me or kicked me."

Off-screen, Fox participated enthusiastically in Liberty Loan campaigns, making substantial purchases on behalf of his

companies and personally subscribing for \$400,000 worth of the bonds. From the stages of all Fox theaters, employees sold Liberty Bonds, "many times much to the annoyance of our patrons who came there to be entertained and not reminded that there was a war." He also sent Fox movies to Allied troops in war zones; messengers on motorcycles carried film cans to dugouts behind the trenches in France. According to the Community Motion Picture Bureau, which provided entertainment to American troops under the supervision of the War and Navy Departments, Fox movies far outnumbered those of any other studio.

At the Western Avenue studio in Los Angeles, Fox formed four Home Guard companies (with himself as a major) and ordered uniforms from the Western Costume Company. Every night, the entire force drilled for one hour; and every day, three squads were excused from work to go to target practice at an Eagle Rock firing range. Even stars got into the act. Brothers William and Dustin Farnum, both yachtsmen, bought a fifty-one-foot boat that they planned to use to help guard Los Angeles Harbor. Fox outfitted the craft with two machine guns. By mid-May 1917, Fox Film's volunteer companies included more than 500 employees in Los Angeles and another 275, supervised by Royal Canadian Mounted Police veteran J. Gordon Edwards, at the Fort Lee studio. All employees who left for military service were guaranteed to find their jobs waiting for them upon their return.

In a display of jingoistic fervor, Fox threatened to fire anyone who wasn't "100 percent American." At Fox Film's annual national convention at the Biltmore Hotel in New York in June 1918, he called on all branch managers to submit confidential reports about staff members suspected of pro-German sympathies. The reports would be thoroughly investigated, Fox promised. However, no evidence indicates that any employee was even accused, much less dismissed, as a possible traitor.

Fox touted his pro-war cooperation as the result of his immense gratitude to the United States for all the opportunities it had given him. No doubt it was that, but he also had a number of urgent practical motives.

There was, first, the inconvenient fact of his German background. Fox had been fortunate that upon his family's arrival from Hungary, immigration officials had anglicized their surname Fuchs, fortunate also that he had grown up in the United States and had no foreign accent. However, he spoke German fluently because that had been the language of his childhood home.

His background placed Fox at risk. In early 1917, as the United States prepared to enter the war, some employers began to fire German and Austrian workers, and talk of internment camps surfaced. A high tide of immigrants poured into court offices nationwide to apply for U.S. citizenship. Social position and education were no barriers against fear. On October 1, 1917, Columbia University sacked two professors on grounds of treason and sedition because they had urged opposition to the war.

While Fox was in no danger of being fired, it would have been quite easy to go astray inadvertently. The case of Robert Goldstein provided a signal example. Between mid-1916 and early 1917, first-time director and cowriter Goldstein, president of the Goldstein Theatrical Costuming Company, reportedly spent \$200,000 to film *The Spirit of '76* as a "historical romance" about the American Revolution. In late March 1917, just before the United States declared war, Goldstein advertised that his movie had been "happily completed in time to help rouse the patriotic spirit of America."

Unfortunately, Goldstein had included scenes showing British soldiers stabbing a baby with a bayonet, carrying a young woman into a bedroom, and dragging women by the hair. To U.S. officials, it didn't matter whether such images were historically accurate, only that they were not at all convenient at a time when the federal government was desperately trying to recruit millions of American men to fight enthusiastically alongside British troops.

Premiering in Chicago on May 7, 1917, *The Spirit of '76* was, predictably, banned after a few performances by film censor Major Funkhouser. It took Goldstein six months to arrange another

booking, in part because creditors had seized the movie for nonpayment of debt. *The Spirit of '76* next showed up at Clune's Auditorium in Los Angeles on Tuesday, November 27, 1917. Two nights later, U.S. Justice Department officials seized the film, arrested Goldstein on charges of violating the Espionage Act of 1917, and tossed him into the Los Angeles County Jail. Unable to make the \$10,000 bail, he remained behind bars for months.

On April 15, 1918, a jury convicted thirty-five-year-old Goldstein of two counts of treason. Two weeks later, as Goldstein stood visibly shaking, a judge denounced him as a despicable liar and traitor, fined him \$5,000, and sentenced him to ten years in prison. Three months later, Goldstein's wife divorced him. Although, in 1919, President Wilson would commute Goldstein's term and order him released, his career and personal life had been ruined.

As Fox knew from *The Nigger*, he, too, was capable of making a movie with one set of intentions only to find it interpreted in an entirely different way. Nothing necessarily prevented him from becoming another Robert Goldstein. Wide-ranging cooperation with the war effort, however, could shield him from suspicion.

Additionally, Fox, along with all the other studio heads, needed to protect the motion picture industry from the sort of severe restrictions that had crippled the European film studios. As late as the spring of 1918, the U.S. government still considered movies a nonessential industry. That jeopardized not only important personnel, who were in danger of being poached for military service, but also the availability of raw materials: the same chemicals were used to manufacture both base celluloid and many forms of explosives, and metals such as iron, steel, and tin were needed both for the war effort and to make and repair film projectors. Fox briefly lost one of his most valuable assets in mid-1917 when director Raoul Walsh was commissioned as a second lieutenant in the Army Signal Corps and began editing documentary war footage. Had Fox, who had tried to dissuade him from volunteering, pulled strings in Washington? Walsh suspected so because, after less than a month's service, the army discharged

him with a commendation signed by President Wilson so he could return to Fox Film.

Indeed, there were limits to Fox's patriotism. When the federal government proposed a war tax on movie tickets, Fox led the opposition. It was one thing to give voluntarily, another matter entirely to have the government meddle in his business. Publicly, Fox kept his protest low-key, stating only that "it was the proper move in the best interests of the exhibitor." The effort failed, and in late 1917, the War Revenue Act imposed a tax of one cent on each ten cents or fraction thereof of an admission price. Nobody liked it, especially not film producers and distributors, whom the federal government expected to pay the tax. Soon, though, everyone got used to it, even Fox. He and most of the other major studio heads issued a statement of compliance that concluded, "War is hell. We've got to go through hell and taxes before we can expect to reach peace and pleasure."

As a result of its cooperation with both propaganda and fundraising activities, the motion picture industry succeeded in getting classified as an essential industry by the War Industries Board. As of August 23, 1918, movie studios gained priority status to obtain raw materials and their staff members, including performers, were exempted from the draft. In exchange, the industry had to promise to discontinue all "non essential production," eliminate "wasteful methods," produce only "wholesome pictures," build no new theaters for the duration of the war, and repair rather than replace equipment whenever possible. It was a small price to pay to stay in business.

Altogether, war—and war fund-raising—turned out to be good for the movies. Millions of dollars, much of the money coming from very wealthy people who had kept it stashed in the bank, flowed into Liberty Bonds, war savings stamps, and various war charities. As the U.S. government began to spend that money on the war effort, money circulated again, and ample amounts cascaded down to the average worker. "Now, everybody jingles cash in their pockets," Fox announced in August 1918, just before he raised ticket prices at all his theaters.

At heart, Fox later admitted, the war horrified him. Some fifteen years later, he would still recall the sense of tragedy he'd felt that so many American men, "the flower and the youth of the country, were now to devote their time not to build, but to destroy." He saw war as "murdering and slaughtering" and lamented the loss of all the constructive contributions that those men might have made. He never explained how he managed to quiet his conscience during all his pro-war clamoring. Probably he did what by now he had a habit of doing: not thinking about matters that it didn't profit him to think about.

As Fox pushed forward, the past pulled him back. As a press release from the time read, "William Fox has no desire to forget, or have others forget, his beginnings."

Old places still held an allure. Leaving his office after 1:00 a.m. in early May 1916, Fox led a reporter to an amusement arcade three blocks away at Forty-Ninth and Broadway. "Been a long time since I've done any of this," he said, lifting a shooting gallery rifle onto his shoulder and taking aim at the ducks that glided over the target as a mechanical lion leaped toward them. His first shot sent pieces of the duck scattering. He kept staring ahead, kept shooting in rapid succession, and missed for the first time on his twenty-fifth shot. A bystander muttered, "Gee, but that bird can shoot."

Old ties still bound. Between 1916 and 1918, he hired two municipal government insiders, John J. White, the former Giovanni Bianchi who had been a "confidential man" of both Big Tim and Little Tim Sullivan; and James E. MacBride, former president of New York City's Municipal Civil Service Commission, who became an assistant to his longtime close friend Winfield Sheehan. Possibly, in addition to their political influence for his business, Fox wanted personal guidance. In the spring of 1918, he was reportedly considering a run at the 1918 Democratic nomination for governor of New York. Some weeks after the Hotel Astor dinner honoring him, he gave a dinner for influential politicians, and the subject of Albany was tossed around the table.

It was a fool notion. Fox would no sooner have tolerated Tammany's management than Tammany ever would have believed he could be managed. Indeed, when talk of the election got under way at Tammany's Fourteenth Street headquarters, "someone put a spoke in the wheel of fame" and sent Fox's political ambitions cartwheeling into a ditch. Instead, Al Smith got the 1918 Democratic nomination and the governor's mansion.

Occasionally, Fox forgot all about the future and the past and lived simply in the present. A reporter visiting him at his Long Island home in the late summer of 1916 observed, "Out in Woodmere, in a few odd moments before breakfast or on a Sunday or holiday, Mr. Fox goes bug hunting and killing among his rose bushes and in his garden or throws a twelve-pound medicine ball about." Occasionally, when friends came to visit, "he will be as merry as a boy as he drives out a one-base hit to a group of friends in short right field."

Even as he reached upward for the next rung on the social ladder, Fox could be happy right where he was.

CHAPTER 17

"The Finest in Entertainment the World Over"

A special Providence protects fools, drunkards, small children, and the United States of America.

—OTTO VON BISMARCK

Fox's ambitions for Fox Film were boundless: he wanted everyone everywhere to love his movies. Once again, history opened a door for him. In overseas markets, the war in Europe obliterated almost all competition for American film producers.

Soon after the outbreak of fighting in the summer of 1914, most combatant nations shut down nonessential industries. France, which had led the field in pursuing international movie sales, stopped production immediately and resumed on only a limited basis in 1915. Spain also shuttered its studios. Initially, Italy stayed out of the conflict, and as a result, its film industry surged briefly; however, after that country took up arms in April 1915, it severely curtailed production. In Britain, movie production fluctuated throughout the war years, but the nation had already embraced American movies: by 1914, some 50 to 60 percent of movies shown there were American.

On the other side of the battle lines, Germany actually expanded its film industry during the war years, with the number of production companies increasing from fewer than 30 to 250 between 1913 and 1919. Most important of the new studios was UFA, which began under government auspices. However, German film sales increased almost entirely within domestic borders. International business fell off steeply, even though Germany tried to hold on to its South American customers by shipping films through Spain and distributing them through German commercial travelers or giving them away for free to theaters.

A few other countries were still exporting movies, but not competitively. Sweden, which remained neutral in the war, had only two directors turning out most of its internationally marketable work—Victor Sjöström (who would come to the United States as Victor Seastrom to work for Louis B. Mayer in the 1920s) and Mauritz Stiller (who would discover Greta Garbo and bring her to the United States in the 1920s). On the other side of the world, Japan had a substantial industry, but according to *Collier's* magazine, which had an admittedly biased perspective, "the Japanese don't know how to make moving pictures—at least alongside Americans. In an American picture there is always something doing; action, action; in a Japanese film nothing ever happens. Half the reel may be given up to a dozen people sitting around having tea."

The opportunity was obvious: a serious supply problem existed in surprisingly extensive foreign markets. At the start of the war in the summer of 1914, movies were highly popular throughout Mexico, South America, and Asia. China, then the most densely populated country in the world, had an especially enthusiastic audience that ranged from simple laborers, who reportedly shuffled their feet and shouted when watching Westerns, to upper-class women who attended matinees nearly every day. By the end of 1915, an estimated fifty million people worldwide went to the movies every day.

The United States was well positioned to fill the void. Destined to remain neutral for nearly three years and never to see fighting on home ground, the nation had a film industry that was burgeoning with money and talent and that also enjoyed considerable support from the federal government. Since the days of Theodore Roosevelt, the United States had pursued a policy of "dollar diplomacy," placing various agencies, at taxpayer expense, in service to the business community. The movie industry, so skillful at transmitting cultural values subliminally, was not overlooked. In 1912–1913 the U.S. Commerce Department began keeping records on film exports, and in 1916 the State Department instructed U.S. consuls to provide detailed information on the market for American films in their territory.

If, in retrospect, American movies seemed bound to conquer the world, at the time, formidable obstacles loomed. Movies were used very differently in different countries, and U.S. sales agents would have to understand each set of cultural peculiarities in order to gain a foothold. Moreover, there was the problem of safely and reliably managing money. One of the reasons that British and German movie producers had prospered in South America was that they had maintained some seventy branches of their own banks to promote trade, provide capital, and perform credit services. U.S. banks, however, were prohibited from establishing branches in foreign countries.

Other challenges included registering trademarks in every country and ensuring product delivery. In some areas, transportation companies refused to guarantee the safe receipt of films, requiring the extra expense of special messenger service. For many American movie producers, those nettlesome details amounted to too much trouble. They decided to stay home and concentrate on the customers they understood.

Fox took the long view. In his zealous desire to get ahead, combined with his genuine enchantment by the movies, he convinced himself that the rest of the world was eagerly waiting for Fox Film's products. The studio's "great heart interest and human interest stories" could spread "the gospel of an international spirit" and might even prevent future wars. Movies were, Fox said, "the most subtle force of which I know, working to create a potent

world-sympathy—to teach the one half how the other half lives." He also knew that this business opportunity wouldn't last. When the war ended, European film producers would want their old place back.

Before Fox Film was even a year old, Fox expanded internationally. In late 1915 he opened sales offices in Montreal and Toronto, and in January 1916, a few weeks short of Fox Film's first anniversary on February 1, he began his conquest of the rest of the In charge of the mission was forty-three-year-old "representative at large" Joseph R. Darling, whom Fox had met several years before when Darling served as the U.S. Justice Department's lead investigator on the Motion Picture Patents antitrust case. If Darling's résumé had an odd mix of occupations he'd also developed the Jamaican orange industry for the United Fruit Company, negotiated options on South American oil fields for the Gulf Refining Company, and written the book Darling on Trusts (1915), which proposed establishing a "Federal Interstate Trade Commission" to regulate business conduct—he was probably as well qualified a candidate as anyone. No one had ever done such a job as Fox had hired him to do.*

Over a twelve-month period, Darling traveled twenty-eight thousand miles. Every part of the world presented a different challenge. In South America, where he began and where some 1,200 to 1,500 movie theaters had previously been a stronghold for French, Italian, and German films, exhibitors told Darling to go home. American movies had a poor reputation, and cultural conventions were very different. In Rio de Janeiro, for instance, there wasn't a single theater built specifically for the movies. All the venues were converted stores; many had an arcade down the center, with seating and screens on either side. That meant a separate projection room and a separate orchestra for each side, and usually the first half of the movie played on one side and the second half on the other side. Across Brazil, exhibitors had rarely booked movies for longer than two days, yet Fox Film insisted on a three-day minimum. Furthermore, rental fees couldn't go too high because theater owners had to pay nine types of taxes. In Argentina, a

significant portion of the country's three hundred exhibitors ran movies in restaurants, where diners expected them as part of the menu and paid nothing extra for them.

Yet South America had very few film production companies itself, and as yet, no one else was seriously competing for the business. Stay, Fox told Darling, and show them the movies. That turned the tide. Darling opened an office first in Rio de Janeiro, and then in São Paulo and Buenos Aires. By early 1919, with Theda Bara's movies especially popular, Fox Film would be doing business in every South American country except Colombia.

At Darling's next stops, in the South Pacific region, many markets were minuscule and relatively primitive. That fact mattered less than Fox's determination to plant the Fox Film flag everywhere possible. Darling set up offices in Sydney, Melbourne, and Wellington to serve not only Australia and New Zealand, but also several of the Fiji Islands, Samoa, Tahiti, and various Asian countries. Truly, no settlement was too small for special attention. The remote post station of Alice Springs, in Australia's Northern Territory, had only one hundred fifty residents, but Fox Film rented camels to trek film cans three hundred miles across the desert from the end-of-the-line railway station in Oodnadatta, in the southern part of the continent.

In Europe, joined by Winnie Sheehan, who arrived in early spring 1916, Darling confronted the reality of war. They started in Britain, which was relatively insulated by its island status and where British workers, already accustomed to American movies, had new money in their hands as a result of government spending on war industries. After establishing Fox Film's British headquarters in London, in a five-story building that the studio bought at 76 Old Compton Street, Sheehan and Darling acquired properties for branch offices in seven other cities: Manchester, Liverpool, Birmingham, Leeds, Newcastle-on-Tyne, Glasgow, and Dublin. Because all the buildings needed extensive renovation and because almost all Britain's able-bodied young men had been conscripted for military service, Fox Film had to make do with a construction crew consisting of six to eight old men. They were, Sheehan said, "a

typical collection of the lame, the halt, and the blind." Nonetheless, within two months, all the offices were open, doing vigorous business among Britain's five thousand exhibitors.

Conditions on the continent were far more forbidding. In September 1914, Moving Picture World had catalogued the gloom: "In Germany and Austria, in Russia and the cinematography is a thing of the past; a forgotten thing, dead as a stone; in France no one has a thought for films; in Belgium, the cinemas have been blotted out—a huge red cross covers each one of them; in that fair land they are being utilized as hospitals, they are being filled day by day with wounded and maimed warriors." Fox Film adapted as necessary. In Paris, Barcelona, and Rome, because of the proximity to battle and the tangle of government red tape, the company allied itself with existing distribution agencies. From there, Fox movies went out to Egypt, the Balkans, and North Africa. In Spain and Portugal, where few movie theaters existed, Fox Film helped build more. By the summer of 1916, the studio had extended its reach into Norway, Sweden, and Denmark.

As of September 1916, Fox Film was the only American film studio doing business abroad under its own corporate title. All the other U.S. producers, willing to give up a share of the profits in exchange for reduced risk, distributed their movies through alliances with foreign companies. William Fox, however, saw the foreign market as crucial to his company's identity. As he told the press, "You must remember that Fox Film Corporation is distinctly more than a national institution. Its scope is international in the widest degree."

And then there was the strange case of Russia. In the June 2, 1917, issue of *Moving Picture World*, Fox Film ran an ad titled "Fox Covers the World," which showed a map with sixty-six markers representing the studio's distribution outlets throughout North America, South America, Europe, Australia, and Africa. Symbols denoted an agency alliance in Moscow and a planned Fox Film office in Petrograd.

It seems mystifying that Fox would have thought it a good idea to invest in Russia. For years the country had been bedeviled by a corrupt, isolated, and intransigent aristocracy, a restive labor force, and an increasingly ambivalent military. Already, violent revolution was under way. In February 1917, factory workers rioted in Petrograd; soldiers fired on them, then joined them. The following month, Czar Nicholas abdicated, and the entire Russian Ministry, along with the president of the Imperial Council, was arrested on charges of corruption and incompetence. Before year's end, Russia would explode in bloodshed and install a series of ruthless and anti-American Bolshevik leaders.

In context, however, Fox's optimistic outlook wasn't so unusual. He was probably just reading the newspapers. In one of the most astonishing cases of American foreign relations myopia, many U.S. politicians, business leaders, and intellectuals initially applauded the Russian Revolution as a giant step forward for democracy and capitalism. Disregarding vast differences in culture, history, and social structure, they applied the template of the American Revolution and interpreted events as evidence that the last major European nation was about to dismantle its oppressive ruling monarchy and deliver power to the masses. In the eyes of most American opinion leaders, a fresh breeze of political and economic freedom had blown into Russia.

Many U.S. captains of industry embraced the delusion from necessity. Feeling the pinch at home from antitrust legislation, the labor movement, and a relatively saturated market, they looked at Russia and saw what they wanted to see: 170 million people (compared to 102 million in the United States) and vast, untapped natural resources. If Russia had not yet entered the modern age, so much the better. American entrepreneurs would sell it to them.

International Harvester relied on Russia as its second-largest market; Singer Sewing Machine built a huge factory in Podolsk (near Moscow) that by 1914 employed more than thirty-four thousand people and manufactured 80 percent of all sewing machines sold in Russia. Other American companies that had set up shop in Russia included New York Life Insurance, Equitable Life

Assurance, General Electric, Westinghouse Electric, Western Electric, and Parke, Davis.

One hundred seventy million people! Fox couldn't resist. In mid-1916 he sent Sheehan to Russia for several months. It didn't matter that he himself would not have been able to enter the country because no foreign Jews were allowed into Russia, or that the czarist regime mercilessly persecuted its Jewish population. There was money to be made—at least, there seemed to be. Russia, three times the size of the United States and covering one-seventh of the globe, already had an extensive exhibition infrastructure and a history of enthusiasm for foreign movies. The first movie theaters had opened shortly after the turn of the century in Moscow, Petrograd, Odessa, and Kiev, and by 1915, almost every town or village had at least one, with big-city movie theaters rivaling legitimate theaters in size and magnificence. Although at the time of Fox Film's arrival, Russia had at least ten movie studios, audiences usually preferred imports, especially Westerns and comedies. According to one industry observer, Russian movies tended to be like Russian novels: they were "too long, lacked action and went into the psychology of things to an extent which could not be portrayed on the screen."

Russian officials welcomed Sheehan warmly and took him to watch army maneuvers. By the fall of 1916, Fox Film had established an agency partnership in Moscow to cover the whole country. If commerce required a mask of political indifference, a willingness to deal with whatever regime was in power, that was what it was—a mask. Fox personally sympathized with the revolutionaries and, within the United States, used Fox Film to promote their cause. In addition to Theda Bara's *The Rose of Blood* (1917), which depicted bomb-throwing Russian revolutionaries as freedom fighters, Fox made *The Firebrand* (1918), with Theda lookalike Virginia Pearson as a Russian princess who falls in love with a heroic young American supporter of the revolution. Ads described *The Firebrand* as a "Great democracy drama!"

Behind the scenes, Fox provided financial help to one of the revolution's foremost leaders. Leon Trotsky arrived in New York in

mid-January 1917, exiled from Spain and unwanted by the rest of Europe. "I first saw him on the Lower East Side with a copy of the *Forward* under his arm," Fox told his niece Angela Fox Dunn. He felt sorry for Trotsky. The great intellectual looked so shabby. "I wouldn't give you \$11 for him, including the shoes!"

Although Trotsky would insist that in New York he earned his living only as a journalist, British spies (who were keeping a close eye on him because they believed that he was receiving German money) discovered that he'd been hired to work as an electrician at Fox Film. According to Sheehan, Trotsky also appeared as an extra in Fox movies and had a Fox Film employee identification card.* The story is plausible. Trotsky needed the money—socialist editorial writing paid poorly—and he loved the movies. Reportedly, to escape their dreary apartment in the Bronx, he often took his wife and two young sons to a Russian-Jewish lunchroom on Westchester Avenue, under the elevated railroad, and then on to see a film.

According to family lore, Fox gave Trotsky money to help him return to Russia on the SS *Kristianiafjord* on March 27, 1917, twelve days after the czar's abdication. Perhaps Fox was influenced by Jacob Schiff, who was said by his grandson to have given Trotsky \$20 million for the trip. Such support wouldn't have been controversial. In general, American leaders still clung to a vision of Russia's peaceful, enthusiastic transition to capitalist democracy. Immediately after the czar's abdication, the *New York Times* reported that a "swift and orderly transition" of power had taken place and indicated that the revolution was complete. Wall Street financiers and industrialists, surveyed by the *New York Herald*, displayed a "most cheerful frame of mind" and widely expected tremendous opportunities in Russia for American business.

So, through the bloody, tumultuous events of late 1917 and 1918—through even the execution of the Romanoff royal family on July 16–17, 1918—Fox Film stayed on. In December 1918, Sheehan described Russia as "a tremendous field" for American movies. As late as July 1919, Fox Film had two branch offices in Russia.

Fox never said what happened to his Russian outposts. Probably they suffered a similar fate to that of the Scandinavian Film Agency's well-equipped distribution offices in Petrograd, Moscow, and Odessa, which were sealed up and shut down by Bolshevik agents. Or they may have survived under special protection. Fox told his niece Angela Fox Dunn that at a café in Paris, he received a folded note from Lenin's representatives asking him to meet and that he subsequently made educational films for Russia to raise the literacy rate.

Fox Film representatives continued to circle the globe, opening new foreign offices wherever possible. U.S. entry into the war on April 6, 1917, complicated matters, but not drastically. During the first fifteen months of American involvement, studios were able to ship film to all Allied countries relatively easily. Then in mid-July 1918, with four months of fighting left to go, the U.S. War Board imposed complicated new rules that increased export restrictions and paperwork. Around the same time, the U.S. Treasury Department began to censor films sent to any country other than Canada. For Fox, the interference was mostly bothersome. That summer, the studio had to uncrate a ready-to-go shipment of five hundred thousand feet of film, show it all to customs officials, and then spend a week repacking it; ultimately, all the footage was approved.

Pushing ahead, by the fall of 1918, Fox had added new offices in Canada, Britain, Spain, Sweden, Norway, Australia, New Zealand, South America, and Cuba. He also announced plans to replace agency alliances in France, Spain, and Italy with studio-owned offices. Some of the most unlikely places had turned out to be quite profitable thanks to the war. When Europe halted overseas shipments of most of its manufactured goods, countries in Asia, South America, and elsewhere were forced to accelerate their own industrial development. As a result, nations that had been economically backward increased their disposable income and leisure time, two conditions necessary for robust movie patronage. Customizing the merchandise, translators at Fox Film's home office rewrote intertitles in French, Spanish, Dutch, Portuguese, Greek, Chinese, and Japanese.

During the war years, exports of American movies skyrocketed. During the 1913 fiscal year,* U.S. film producers had shipped out 32 million feet of exposed film worth \$2.3 million. During the 1916 fiscal year, those numbers increased to 159 million feet worth \$6.8 million. A slight downturn occurred in 1917; nevertheless, by the time of the Armistice in November 1918, the United States had become indisputably the world's leading movie manufacturer.* European studios would never regain their position. They had missed out on crucial years of creative and industrial growth, and with their national economies devastated by the war, they lacked the resources to make a quick comeback.

No company had been more aggressive in pursuing foreign customers than Fox Film. In the aftermath of the war, Fox held on tightly. During the first twelve months of peacetime, the studio increased its international business 400 percent, and opened even more branch offices, mainly in the Far East. By mid-1919, Fox Film's foreign department had seventy-six employees, and to accommodate foreign visitors, the New York headquarters provided desks for foreign visitors and stenographers to take dictation in the language of any country where Fox Film did business.

Alluding to Fox's revered Rockefellers, studio publicity boasted, "The creation and up-building of this gigantic system of distribution is unrivaled. Not even the Standard Oil Company and its allied interests cover the globe more thoroughly than does the William Fox organization."

"The Making of Me"

 \mathbf{A}_{s} Fox Film grew into a major international corporation, Fox

had to learn how to be a leader. He knew he needed other people to help build his dream, but he didn't intuitively know how to manage and motivate them. At first, he made many mistakes.

Especially troublesome were the West Coast studios, which by 1918 were turning out about half of Fox Film's output. Because Fox had no interest in moving to California, he appointed as his emissary Abraham Carlos, the "general representative" who had enraged director Herbert Brenon when he went to check up on *A Daughter of the Gods* in Jamaica in late 1915. Although Carlos's only relevant experience before joining Fox Film had been managing the one small movie theater he'd owned in the Bronx, Fox felt loyal to Carlos for providing help in the MPPC fight. Equally, Fox believed unswervingly in his ability to remake any man according to his own ambitions.

Despite a handsome \$300 weekly salary, Carlos made a mess of the job. Directors walked all over him, spending as they pleased, cadging unwarranted raises, and venturing off on expensive, unnecessary location shoots. The wastefulness incensed Fox. No matter how good a movie might turn out to be, if it didn't make money, it could "throw us into bankruptcy." His financial crisis of late 1914 still haunted him. He would always fear that bankruptcy lurked around the next corner, waiting to pounce on him.

Carlos's lax supervision led to systematic thievery. During the

summer and fall of 1917, a Fox Film bookkeeper colluded with a former studio film cutter to steal about three hundred thousand feet of film stock worth \$9,500. The bookkeeper, who was in charge of all film and film records, destroyed cameramen's records of the film footage they'd shot and substituted documents with inflated figures. Then the bookkeeper sent the excess film to the former film cutter, who stored it in a warehouse and sold it to a film printing company for about one-third less than the legitimate price. This was the stealing that the company discovered. Fox believed that actual losses were probably ten times greater, around \$100,000. He hired a private detective agency to investigate and turned the evidence over to the district attorney's office, which extracted a guilty plea from the bookkeeper.

As much as Fox hated to lose money, Carlos's fatal mistake lay less in these actions than in his attitude: he stopped seeking orders and began making decisions on his own. That could not continue. In October 1917, Fox reassigned Carlos to the New York office as a "general representative" and substituted twenty-seven-year-old Sol Wurtzel, a former bookkeeper who had been Fox's private secretary in New York for the previous three years.

A plain-looking man with a thick head of stiff, dark hair, horn-rimmed glasses, and a habitually dour expression—a colleague would later describe him as resembling "a bad-tempered hedgehog"—Wurtzel had the irresistible virtue of being entirely submissive to the boss. As Fox's secretary in New York, he had often worked fifteen-hour days and had gladly taken on extra tasks such as reviewing plays and stories for possible adaptation and working on scripts. Wurtzel was also willing to move his family to Los Angeles and become West Coast manager for only \$100 a week, one-third of Carlos's salary. Fox deemed him "highly capable."

Wurtzel had no such confidence in himself. He was scared, and it showed. Director Raoul Walsh recalled of his first meeting with Wurtzel, "His handshake was vigorous and I got the impression that he was trying to sell me something—probably himself."

Initially, Wurtzel made many of the same mistakes as Carlos. Dazzled by creative talent, he let director Chester (Chet) Franklin

take his cast and crew to Truckee, Arizona, to film snow scenes, only to discover that there was no snow in Truckee, not a flake of it. The production had to return to Los Angeles without having shot a single frame of film. Why hadn't anyone phoned ahead to make sure there was snow in Truckee? Well, Wurtzel hadn't thought of that. He had also allowed Chet's brother and fellow director Sidney Franklin to take a movie on location one hundred miles away, even though the same effect could have been accomplished in Los Angeles at far less expense. In a long, scathing letter, Fox blamed both situations entirely on Wurtzel: "You know from past experience that nothing suits a director any better than to hop on a train with his company and go somewhere, no matter where it is, as long as he can get away from the studio." Even after that, the problem continued with other directors. "With the great facilities that we have in Los Angeles, why do we always keep on going away?" Fox fumed to Wurtzel. "What in the Hell is the use of having a commodious plant in Los Angeles if it is not to make pictures there?"

Wurtzel also failed to rein in stars' impetuous behavior, gave his assistant two unauthorized raises, exercised inane judgment about film stories, and allowed unconscionable budget overruns. So said Fox in a lashing blizzard of letters and telegrams. One movie that Wurtzel supervised was "fit for the junk pile." Another was "a miserable, terrible, rotten affair." Three others were all "stupid, insipid pictures." Was Wurtzel in over his head? Fox queried. Or was Wurtzel no longer the same man whom Fox had known in New York? Fox demanded sarcastically, "If you have changed in any manner, will you please specifically describe in what way, and what caused any change in you since you left here."

Wurtzel endured the abuse without protest. His letters to Fox were filled with self-denigrating apologies, obsequious pleading, and general whelping for approval. "I now admit that I was wrong," he repeatedly wrote in one way or another. He had made a "bonehead" decision because "I wanted to go beyond what I was privileged to do." He had read and reread Fox's letters "very carefully" and investigated Fox's complaints "in every detail." And

no, never should Fox think that he felt overburdened. In fact, Wurtzel wrote, "the more work I have, the happier I am."

Psychologically they were well matched, not just because Fox was so adept at ladling out scalding commentary and Wurtzel so masochistically self-abasing. There was more to the relationship than that. They understood each other, and to some extent their dialogue passed between them as genuine affection. Like Fox, Wurtzel had grown up on the Lower East Side, with a stern Jewish immigrant father who had never been able to lift his family out of poverty. Wurtzel didn't hate his father, a quiet, scholarly man, the way that Fox hated Michael Fox, but he did yearn for the authority of a strong father figure.

Eleven years older, Fox could meet that need. Like Wurtzel, he had been the disappointed son, but he had also become his own father and had raised himself to success. He was willing to do the same for Wurtzel. Behind the wounding comments, alongside the untempered annoyance and frustration, was a genuine desire to make a man out of Wurtzel. Fox goaded and needled and chastised, but he also took the time to write long letters with specific, detailed instructions, and once in a while he tossed in warm words of encouragement.

"All of the above is written to you in a spirit of friendship and affection," he assured Wurtzel midway through one marathon letter of criticism, "and in spite of everything that I may have said above, you are still to be congratulated upon having risen to the size and heights to be able to have conducted my business in the manner that you have." Elsewhere he wrote, "I want your unbiased opinion . . . I welcome your criticism, for we can only improve by being criticized instead of complimented, when we are entitled to criticisms" and "I want to say that I am highly pleased with your conduct and I look forward to great results through your efforts." Such words, Wurtzel replied, "will only make me work for better and greater results in the future." Before the end of the first year, unbidden, Fox gave Wurtzel a fifty-dollar-a-week raise. They rarely saw each other. They didn't need to. As a reminder that he was always watching, Fox had a large portrait of himself installed on the

wall behind Wurtzel's desk.

As for the deposed Abraham Carlos, Fox now so little trusted him that he ordered Wurtzel not to give Carlos any information about West Coast business and even to fire any employees who might still be in touch with Carlos. "Play the game dead safe," Fox advised.

Carlos couldn't stay out of trouble. In early March 1918, he cavalierly lied to a *Cleveland News* columnist that he had discovered Theda Bara at Churchill's restaurant and cabaret on Broadway at Forty-Ninth Street and hired her for thirty dollars a week to star in *A Fool There Was*. Her performance in that movie was considered so lackluster, Carlos added, that Fox Film dropped her once filming was complete. Now at the height of her fame, with *Cleopatra* packing theaters nationwide, Theda hit the ceiling. In an irate telegram to Sheehan, she labeled Carlos's comments "slanderous" and "the most insulting innuendo I ever read." Demanding a retraction, she fumed, "[T]his matter cannot admit of delay." About a week later, the *Cleveland News* acknowledged only that Theda had denied Carlos's statements.

Although the story appears to have gone no further than Cleveland and did no damage to Theda's career, she was Fox Film's biggest moneymaker, and she wasn't happy. A few weeks later, Carlos resigned and started his own production company, the Carlos Film Corporation, with financial backing from the son of a former Tammany Hall boss. Had Fox finally fired Carlos? If so, his anger didn't last long. Carlos's company made no movies, and by June he was back at Fox Film running the studio's Paris sales office. There, at least, Carlos couldn't cause any damage to the U.S. business. He would hold on to the job for four years.

Dealing with creative talent, the organization's lifeblood, Fox often stumbled. He reacted emotionally, impulsively, and without much regard for the damage he could inflict as the all-powerful boss. Director Herbert Brenon had been the first to suffer that side of Fox's character when the two argued over *A Daughter of the Gods* in

1916, but his career would survive. Not so fortunate was Jewel Carmen, a beautiful blonde young actress who might have become one of early film's great stars but whose name has virtually disappeared from history as a result of her fight with Fox.

In October 1916, intending to build her up as the leading lady of his biggest male star, William Farnum, Fox hired Carmen away from Triangle Studios, where she had played opposite Douglas Fairbanks in several movies. Fox doubled Carmen's salary to \$100 a week and, in July 1917, signed her to two consecutive contracts covering the next four years. In short order, she appeared with Farnum in three high-budget movies, A Tale of Two Cities (1917), The Conqueror (1917), and Les Miserables (1918), and played topbilled roles in smaller movies that showcased her dramatic range. In The Kingdom of Love (1917), which Fox described as "a little picture I love," Carmen played a nice girl forced to work in an Alaska dance hall. In The Girl with Champagne Eyes (1918) she was a shipboard pickpocket, and in The Bride of Fear (1918), a suicidal, poor young woman alone in the big city. Moving Picture World commented, "Few actresses have a greater natural ability to seemingly take on soul-shaking emotions and to pass at once from joy to sorrow as Jewel Carmen."

Fox knew about Carmen's sordid past. He knew that in 1913, under the name of Evelyn Quick, she had been the lead witness in a sensational sex scandal in Los Angeles. Claiming to be fifteen, she had accused William LaCasse, the middle-aged sales manager of the local Studebaker Automobile office, of statutory rape. Quick had evidently been working as a prostitute and, after getting swept up in a vice raid, had traded her testimony for immunity. After two trials failed to yield a conviction because Quick couldn't prove her age, she disappeared briefly and then reappeared at Triangle in May 1915 under her new name.

Having made so many movies about personal redemption, Fox wanted to believe Carmen had changed. He thought he was helping her, as Sol Wurtzel put it, to raise herself "out of the gutter." Real life, however, was more complicated than a Fox movie. Carmen hadn't so much changed as adopted a disguise that began to slip as

soon as she felt secure. In late March 1918, about six weeks into the successful release of *Les Miserables*, she walked out on production of *The Fallen Angel* and vanished. Although private detectives hired by Fox Film tracked her down in New York and persuaded her to return, she fought back. First, she presented a doctor's certificate stating that she could work only two hours a day. No one believed that. She looked perfectly healthy. She stuck to her story, though, causing the cost of *The Fallen Angel* to increase from \$15,000 to about \$23,000. Then she spread false rumors that Wurtzel and his assistant, Lewis Seiler, had sexually propositioned her. Then, in early July 1918, she disappeared again.

Carmen was trying to get fired. During her visit to New York, ignoring the fact that her Fox Film contracts still had three years left to run, she had signed a much more lucrative agreement, with Frank A. Keeney Pictures Corporation. Echoing her actions in the LaCasse case, she claimed she had been underage when she signed with Fox Film and hence those contracts were invalid.

Fox was beside himself. Having undertaken "tremendous expense" to make Carmen a star, he believed she was trying to steal the studio's due rewards and sell them to a competitor. Fox threatened to sue Keeney, who suspended Carmen's contract without pay, pending a legal determination of rights. In return, Fox indemnified Keeney against any damages should Carmen sue him. In the fall of 1918, Carmen sued Fox instead, for wrongful interference in her contract with Keeney. The legal battle would continue for nine years because Fox, who lost in federal trial court in June 1919, would not let go.

He didn't consider that Carmen might actually have been telling the truth about her age, that she might have been only twenty when she signed the Fox Film contracts, instead of twenty-one, as required by New York State law. There was no proof either way. Carmen was born Florence Lavina Quick in tiny Blaine, Oregon, which didn't keep birth records, and no doctor was present. In fact, as U.S. Census documents would reveal much later, she was born in July 1897—and thus had been barely twenty when she signed the Fox contracts and only fifteen at the time of her relationship with

LaCasse. Nor did Fox contemplate what sort of early circumstances might have led Carmen into teenage prostitution. He wouldn't have had to look far for clues. Her relatives who showed up for the legal proceedings were a sorry lot: Carmen's father had deserted the family several times, and her mother and older sister depended on her as their sole financial support. All that mattered to Fox was that Carmen had betrayed his trust. As his only concession to compassion, he never publicly mentioned her tawdry history.

The case finally ended in February 1927, when, after a switch to the New York State court system, the Appellate Division ordered Fox to pay Carmen \$59,406.21 in damages. By then, her career was in shambles. After leaving Fox Film, she made only a handful of movies, none successful. She also failed at stage acting and even tried a singing career, which lasted all of three days in upstate New York. Stubbornly, willfully, Fox had ruined her chance to make something of herself.

Even those who didn't blatantly defy Fox's authority could feel the sharp sting of his temper. Gladys Brockwell, a hardworking "emotional" actress whose performances consistently won critical praise even in poorly made movies but who hadn't managed to achieve major stardom, began grumbling in late 1917 about the studio's choice of directors for her. "She means nothing to the Fox Film Corporation," Fox barked in a letter to Wurtzel. "The company has put up with pranks long enough, and it is satisfactory to me not to make another picture with her; in other words, 'give her the gate' or 'tie a can to her.'" Brockwell would remain with Fox Film, but was never given first-class starring roles.

Conversely, when director Raoul Walsh tried to leave around the same time, because—even after giving the studio such hits as *The Regeneration* (1915), *Carmen* (1915), and *The Honor System* (1917)—he wasn't allowed to choose his own projects or do the final editing, Fox wouldn't let him go. Walsh had signed a long-term contract with Goldwyn Pictures, evidently on the assumption that if Fox Film thought so little of him, it wouldn't exercise its option to

continue his services. But nobody left Fox Film without William Fox's approval. Despite having no great plans for Walsh, Fox insisted on keeping him. Walsh, otherwise a brash personality, returned contritely and admitted that the situation had been a misunderstanding that was all his own fault.

In learning how to be a leader, Fox had to confront his own inadequacies. He was not, as he preferred to think, universally competent. Several prominent failures during these early years showed him that.

He wanted to be funny. Although he knew from his failed Schmaltz Brothers act with Cliff Gordon that he had no talent as a comedian, he valued laughter as "one of the most precious things in the film world." In mid-1916 he started the Sunshine Comedies division in Los Angeles, with plans to make two-reel slapstick movies modeled after Mack Sennett's popular Keystone comedies. "I am going to make the best comedies in the world," he boasted. He didn't care what they cost. "I am going to be first in the field."

Of course, he did care what they cost, especially when he discovered that because humor depended so much on timing and nuance, directors sometimes had to shoot as much film for a two-reel comedy as for a five- or six-reel feature. Comedies, used to augment the main attraction, couldn't command the same prices as features. Especially, unfunny comedies couldn't. And the Sunshine Comedies, which were released every two weeks beginning November 11, 1917, tended to rely on broad, hackneyed antics. They never caught on like the Keystone comedies and were soon only a minor part of Fox Film operations.

Fox also wanted to make high-quality movies for children. He believed that he had a special understanding of children because, having missed out on childhood, he still felt those emotional needs. As of the mid-1910s, few producers had given much thought to children's entertainment, and those who did made primarily low-budget, poorly promoted movies on the assumption that there was no point in spending a lot of money on an audience that wouldn't

appreciate it.

Fox intended to change that. He would make first-class movies for children with all the leading roles played by children—movies "that would amuse them, stimulate their imaginations, and help their little minds to grow." His children's movies would also offset the continuing, profit-scourging criticism of movie theaters as dens of sin that were leading innocent souls astray. Children would "leave the theater with a mind filled with pure and clean thoughts."

Fox gave the first of "Fox Kiddie Features," the ten-reel Jack and the Beanstalk, a deluxe opening at the Globe Theatre in New York City on July 30, 1917. Codirected by Chester and Sidney Franklin, the same Franklin brothers who would soon vex Sol Wurtzel by trying to run away for location shooting at every possible opportunity, the movie starred five-year-old Francis Carpenter and four-year-old Virginia Lee Corbin and had only three adult actors, most notably the eight-foot-six Jim Tarver as the giant. Fox had always loved the tale of "Jack and the Beanstalk," interpreting it as a story about the miraculous potential of a child's hopes and prayers and, ultimately, the triumph of innocence over evil. He claimed to have spent \$500,000 on his film version, as much as he had on Cleopatra. The figure was probably an exaggeration, but not outlandishly so. Sets included a child-size walled city with smallscale homes, churches, stores, and schools, and the supporting cast included hundreds of children, most under the age of ten. Special effects showed growing beanstalks, fairies in trees, and a hen that laid golden eggs.

Audiences for the most part welcomed *Jack and the Beanstalk*, and critics hailed it as a landmark in entertainment. The movie was "more beautifully produced than one would believe possible," said the *New York Tribune*, "the most artistic picture William Fox has ever produced," even better than *A Daughter of the Gods*. The trade publication *Motography* called *Jack and the Beanstalk* "surely one of the biggest film events of the year."

Unfortunately, Jack and the Beanstalk was Fox Film's only successful children's movie. Its successors—Aladdin and the Wonderful Lamp (1917); Babes in the Woods (1917), based on

"Hansel and Gretel"; *Troublemakers* (1917); *Ali Baba and the Forty Thieves* (1918); and *Treasure Island* (1918)—fell flat at the box office. As early as December 1917, Fox began to suspect he was headed down a wrong road. Having expected his children's movies to cause "a sensation all over the world," he now commented, "I have since learned my mistake."

In fact, because Fox had never had a childhood, he didn't understand children at all. His movies portrayed them as small adults in an often-terrifying world. In a letter to the editor of the *New York Tribune*, one woman protested that at a recent screening of *Jack and the Beanstalk*, children throughout the audience were sobbing desperately: "the realism in many places struck terror to their souls . . . Blood streaming down people's faces is no sight for children." Commenting on Fox's decision to have children play adult roles, a *New York Tribune* critic wondered, "Do these babies really understand such emotions as love, jealousy and despair? Certainly they portray them, but how is it possible for them to realize what they are doing?" By 1920, Fox Kiddie Features was defunct.

Even Fox's skill at creating stars turned out to be unreliable. He believed that just as he had invented Theda Bara, so he could invent her screen opposite: a happy, virtuous ingénue. In early 1916, he sent six talent scouts out to find "a natural, graceful, pretty girl without affectations or mannerisms, a girl who is winsome, happy, who lives with her parents or is off studying somewhere in a girls' school." The winner was seventeen-year-old Massachusetts high school student Helen Elizabeth Lawson*, a petite blonde with gray-blue eyes and fair skin. Lawson's entire acting experience consisted of having substituted for Mary Pickford at a World Series baseball game in Boston, where she was wildly cheered by thirty thousand fans who never suspected she wasn't Pickford.

Fox renamed her June Caprice, brought her to New York, and took over her life. The studio required her to study with two academic tutors, take daily acting lessons, and wear clothes chosen for her. Fox wanted Caprice to represent the sort of girl whom mothers would want as a role model for their daughters or an ideal

girlfriend for their sons.

Unfortunately, it wasn't that easy to create a star. Everyone tried very hard. Fox starred Caprice in a barrage of movies, advertised them vigorously, and gave her a big publicity buildup. She complied with all of his requirements and, by all sights, truly was a nice girl. Her first movie, *Caprice of the Mountains* (1916), in which she played a backwoods heroine looking for love, flopped. So did all the others. She couldn't act, critics complained. She kept trying too hard, they said, annoyingly so. As *Wid's* lamented in a review of Caprice's *A Small Town Girl* (1917): "Here was more money spent on a boss' (*sic*) effort to carry out his promise—or should we call it a threat?—to make a little lady a star . . . artificial from start to finish, with repeated camera-conscious attempts to be cute . . . Mr. Fox's threatened star . . . is pretty near hopeless as a real box office attraction."

Faced with his inadequacies, Fox did not delegate power. Control over his destiny was too important. He had ceded power to the New Jersey investors in the February 1915 formation of Fox Film, but he had been forced to do so by the nation's financial crisis. No more. Instead, he began to invent himself as a larger-than-life character who ruled by mystery and charm as well as by competence. During the late 1910s, he drew the outlines of a public persona that was both more of him and more than him. It was, he said, "the making of me."

Toward the goal of magnification, he continually asserted that William Fox was the sole, indispensable driving force of Fox Film's success. "The final judgment with reference to any picture made by the Fox Film Corporation, you ought to know, is left with me," he snapped at Wurtzel in an early 1918 letter. "I never followed the policy of consulting a director when I thought a scene should be eliminated. If I had done that, the Fox Film Corporation would have been on the rocks long ago. The only reason the Fox Film Corporation has made progress is because the power as to what will or will not remain in the film has been entirely left with me."

During a 1:00 a.m. conference at his office, he reacted sharply when brother-in-law Jack Leo, then head of the story department, told him that a script he didn't like was nearly all his own. "Very well," Fox commanded, "make it all mine." He then advised a director, "I want to see every foot—understand, every foot." He had to know everyone's job, watch over them constantly, and remind them of all the details. And they had to know that he knew. At that same late night meeting, he chastised the London branch office manager for submitting an incomplete report: "You have skipped seventeen British theaters, in the cities and towns of Manchester, Glasgow, Aldgate, Plumstead, Aldersot, Bournemouth—see me in the office tomorrow." Then he told the Fox theater circuit manager to install a new projector in one theater, spend \$2,476.38 at another, and build another on a particular street corner. "All over, gentlemen," he concluded. "I've got to go to work."

Yet, Fox also understood that he needed to learn to get along better with other people. Leadership couldn't be dictatorship. The best employees, he knew, would leave if he didn't offer them a sense of connection and belonging.

There was no way better to learn that skill than from the movies. "I cultivated a habit—all I had to do was to put myself in the place of that character, figure out what I would be thinking about if I were in that particular predicament," he said. "I later used that habit in a business way. . . . After a business wrangle some day, I would go home and place myself in the other man's position, and many times I found I was wrong." That being so, "I would promptly get in touch with the other man and tell him he was right and I was wrong. I developed that part of myself in the motion picture business where I had to be the character I was trying to portray."

Primarily, Fox fashioned himself as a father figure. He believed he was building a good professional home to provide jobs, personal growth, and respectability. That was why money was so important. Without it, the studio would have to close and the Fox Film family would disband. He wasn't tight-fisted, insisted Theda Bara. "Mr. Fox is extremely generous," she would write some years after leaving the studio. "Yet while he would give away thousands with one

hand, with the other he would probably dicker about a few cents, not because he is small or petty, but [because] it is part of his peculiar financial genius. With him, it is not so much a matter of money as a battle of wits."

Toward theater owners, Fox saw himself not as an adversary according to the old business paradigm established by the Motion Picture Patents Company, but as a helpful partner. "I want exhibitors who show William Fox pictures throughout the world to prosper," he said. Happy customers would return; prosperous customers could pay higher rental fees. Fox repeatedly offered to help: if exhibitors weren't sure how to promote Fox movies, all they had to do was pick up the phone and call Fox headquarters for free advice.

In day-to-day business, the force of Fox's persona distilled into an idiosyncratic, highly arbitrary management style that Theda Bara labeled "a mixture of Machiavellianism, Fabianism, and William-Foxism." To those he liked, Fox granted countless indulgences, forgiving their mistakes and handing out extravagant favors. Understandably, those employees tended to love Fox.

Max Steiner was one of them. One of the greatest film composers of the twentieth century, nominated for twenty-six Academy Awards and winner of three, Steiner wrote the scores for hundreds of movies, including King Kong; The Informer; A Star Is Born; Jezebel; Gone with the Wind; Casablanca; Now, Voyager; The Big Sleep; The Treasure of Sierra Madre; The Searchers; and A Summer Place. In 1914, however, newly arrived in New York after fleeing wartime Europe, Steiner was a nobody. And a broke nobody: he had only thirty-three dollars in his pocket.

At first, no one cared that Steiner came from a distinguished Viennese theatrical family, that he had studied at the Imperial Academy of Music and with Gustav Mahler, or that he had conducted at the London Opera House. The only job he could find was as a piano player for vaudeville acts. Then Fox hired him as the conductor at the upscale Riverside Theatre at Broadway and Ninety-Sixth Street. Many years later, interviewed by *The Real Tinsel* authors Bernard Rosenberg and Harry Silverstein, Steiner vividly

recalled the course of events after he told Fox he wanted to write original music to accompany William Farnum's *The Bondman* (1916).

"You're nuts," Fox replied. At the time, movie scores were usually slapped together hastily by a theater's musical director as a mishmash of existing compositions.

"I'm not," Steiner insisted.

"Go ahead and do whatever you want," Fox said, authorizing Steiner to put together a 110-piece symphony orchestra from the ten-member bands at the various Fox theaters. Although Steiner recalled that his assemblage initially sounded "like a hundred banjos," he soon had it tuned up to perform like "Sousa's Brass Band." Fox began calling Steiner "Professor" and promoted him to a position overseeing music in all the theaters showing Fox films, about eighty of them, in the greater New York area.

On Christmas Day 1917, Steiner answered the doorbell at his apartment on Forty-Third Street, and a man "with a cap on like a policeman" handed him a letter from Fox. Come along, the man said, "I've got a car for you downstairs." The two clambered down five flights of stairs, and there indeed was a car for Steiner. "It turned out that Fox had bought me a car so I could get around to the different theaters in the winter."

Fox was, Steiner told Rosenberg and Silverstein, "one of the finest men the world has ever known. He was a truly wonderful person . . . the sweetest man."

There was really only one way to work for William Fox, and that was to run as fast as he did, but to run behind him, listening, learning, and always, always deferring to his decisions. Given a humble attitude, one could truly make something of oneself at Fox Film. Hettie Gray Baker, for instance, had been a county law librarian in Hartford, Connecticut, when she decided to try her hand as a film editor. Fox chose Baker to help him with the massive job of editing Herbert Brenon's *A Daughter of the Gods* in 1916. Afterward, he promoted her to chief film editor, a position that

required her to view every inch of every movie released by the studio. Hers was a position of remarkable power and prestige for a woman in early Hollywood. Baker credited Fox with showing her how to do the job: "William Fox is the best film editor I have ever known. Sitting . . . in the dark projection room and puzzling over the tangled reels of a mishandled subject, I have personally seen Mr. Fox save many a picture for his own directors; and they don't know yet how some misfit features became 'best sellers' when screened, and were hailed by the picture critics as well as the public as masterpieces."

Fox wanted others to succeed. That goodwill was at the heart of his charisma, and it radiated well beyond his physical presence. "That an organization reflects its head is true of the Fox organization, and this is patent to an amusing degree," Theda Bara would write in her unpublished autobiography. "Mr. Fox is so much the head of his organization that long ago he came to be called 'Governor.' To such an extent do all the others ape Mr. Fox that each lesser man calls the one higher 'Governor,' so that the cameraboy calls the camera man 'Governor,' while the camera man calls the director 'Governor' and so on up through all the minor principalities to the highest 'Governor.'" Because every man was "Governor" to someone else, Theda observed, the atmosphere at Fox Film was both a well-defined hierarchy and a democracy of "the most awesome civility."

The End of Theda

In the summer of 1919, Fox Film sustained the biggest jolt of its history so far. Theda Bara quit.

Although she would later look back with great affection and appreciation for her time at Fox Film, after four and a half years and forty features, she was exhausted. She was tired of playing "absurdly exaggerated" vamp roles that led people to slather her personal reputation "with mud." She was tired of the brutal pace and working conditions—twelve- and sometimes fifteen-hour days under lights as "hot as Dante's Inferno"—and tired of the demands of beauty that required her to fast, take cold baths, and trade social life for sleep. Especially she was tired of the crassness and indignity of the movies themselves, which she described as an "art of lies" made up of "primitive impulses" and "barren emotions."

She was even tired of many of her fans. When a newspaper reporter attempted to soothe her by reminding her that the public had loved her as a vamp, "and that, after all, is your mission," Theda, red-faced with anger, strode over to a table and from a packet selected a note that she thrust at the reporter. "There, read that," she insisted. The letter began, "Please pardon for addressing honorable self, but will so kind send honorable portrait of honorable self, as honorably naked as possibly." The reporter smiled. Theda did not. "How is any girl going to inspire such requests and keep sane?" she demanded. "It can't be done . . . " She felt "heavy, depressed" and "on the verge of a collapse."

She was going to return to her first love, the theater. Never mind that the theater hadn't loved her back during the nine years she spent there before joining Fox Film. Onstage, she would do "worthwhile," dignified work with "artistic sincerity."

Although Theda had recently lost some of her drawing power, she was still Fox Film's biggest star and the most visible driving force behind its success. Her movies had put the studio on the map, defined its brash, modern identity, and helped finance whirlwind expansion. To many, she was the face of Fox Film. Fox had no one lined up to take her place.

While it seemed sudden, Theda's departure had been in the making for several years. Increasingly isolated by her fame and beguiled by her own publicity, she blamed Fox Film not only for the narrow boundaries of her career but also for her bad reviews. The studio gave her such bad scripts that the quality of her movies "was not my fault. I have done my best with them under almost superhuman difficulties." Salary was another sore point. Hired for *A Fool There Was* at \$75 a week, she had received regular pay increases and ended 1916 evidently earning \$1,500 a week. That was paltry recompense, she believed, compared to the vast profits her movies earned for Fox Film. Inevitably, her relationship with Fox himself, once so cordial and respectful, deteriorated.

A turning point occurred in early 1917. Consulting lawyer Thomas McMahon on a different matter, she asked him to review her new contract with Fox Film. She'd handled the negotiations herself—she'd never had a lawyer before—but was now "a little worried and uncertain." The studio had turned down her request for a raise and then, she felt, had "intimidated and threatened" her into signing quickly. After reviewing the paperwork, McMahon laughed delightedly. Theda had contracted to work for the Fox Vaudeville Company, which was the parent company of the West Coast studio, but the Fox Film Amusement Company issued her checks. Legally, those were two distinct entities. "You folks don't have a contract with Miss Bara," McMahon told the Fox office. "She is left free to go

elsewhere."

Theda's timing seemed ideal. With elaborate preparations under way for her to start work on *Cleopatra*, which had already filmed some scenes in Southern California, and with the United States about to join the war on April 6, 1917, Fox was nervous enough about his investment without having to face the possibility of losing his star. "There was a tremendous flurry of excitement," Theda would recall. "I was offered almost anything I wanted. As a result, everything was arranged to my entire gratification and I got a tremendous, unexpected raise in salary." For the year beginning May 26, 1917, she would receive \$3,000 per week, and for the following year, \$4,000 per week, as well as a percentage of the income from her movies. Her contract also prohibited Fox Film from mentioning the name of any other star in her publicity stories. Finally, she thought, she had her due reward.

Fox saw the situation differently. He had made her a star, and now, exploiting a minor contractual oversight, she had betrayed his trust. Their relationship, although outwardly still perfectly professional, changed. Theda was an employee now, not a member of the Fox Film family.

Theda didn't realize that, and neither did the rest of the world. Fox Film promoted *Cleopatra* by relentlessly extolling her performance and then spent lavishly on *Salome*. Fox even let Theda write the script for *The Soul of Buddha* (1918), which *Wid's* described as a "weird, wicked wamp concoction [that] will pull a lot of unexpected laughs." As long as Theda made money for the studio, no one would see any signs of division. In the summer of 1918, Fox advertised her as "at the top of her profession . . . the foremost screen interpreter of feminine emotions."

Her ego grew. During filming of *Cleopatra* at the Los Angeles studio on Western Avenue, she refused to dress and have her makeup done on the main lot, so Fox Film had to rent a bungalow across the street for her, with a private gate and private guard. She stopped reporting for work in the mornings because of "appalling" inefficiency. "Nothing was ever ready. We would wait for hours and hours until some carpenter had corrected a mistake in the setting.

And all about you there is a grinding and a pounding." Minor infractions incensed her. "She was blind as a bat and much too vain to wear glasses," Fox recalled. "She used to bump into things all the time on the set. Well, we had this little Jewish electrician, Maurice, and one day he accidentally left a wire right in her path. She tripped and fell, and when she saw Maurice up on a ladder, she screamed at him, 'Who is the star around here, Maurice, you or I?' 'Star, Miss Bara?' Maurice shrugged. 'I ain't even a twinkle.' Everybody laughed. She wanted me to fire Maurice." He didn't.

In the aftermath of the war, however, popular taste shifted. Eager to leave the past behind, audiences began to perceive Theda's vamp image as ludicrous. To some extent, of course, she had always been ludicrous, but now she was obsoletely so. Ticket revenues dropped off, and by late 1918, Fox no longer had any interest in helping Theda move her career forward. He tossed her either moldy stories such as *The Siren's Song* (1919), in which she played the daughter of a cruel, bigoted French lighthouse keeper who becomes a Paris singing sensation, or anemic nonsense such as *A Woman There Was*, which cast her as a free-spirited princess in an imaginary kingdom in love with a missionary. The latter movie, *Variety* sputtered, was "so obviously and tiresomely a poor picture . . . so carelessly devised, so poorly directed, and so sloppily cut and strung together . . . it is stupid and unattractive."

Fox even took away her favorite director, J. Gordon Edwards—who, by the end of 1918, had directed Theda in twenty-two movies—and in early 1919 he reassigned him to work with William Farnum. Simultaneously, as few failed to notice, Fox cut back on her movie budgets. Reviewing *The Light* (1919), in which Theda played "the wickedest woman in Paris" in love with a blind sculptor, *Wid's* commented, "[F]rom nearly every photoplay standard this is a cheap production catering to the least worthy element among picture fans."

Amid the new iciness of her relationship with the studio, Theda began to rely on lawyer McMahon for career guidance. Genial and outgoing, he assured her that her performances were brilliant and that the public loved her. In early 1919, she stood up to the studio to demand more varied roles. As she recalled, "I went out on strike and I stayed 'struck' until I had my way. I refused to vamp another single, solitary second unless I was first given the opportunity to prove I could be good just as easily as I was bad." As a compromise, Fox agreed to let her make *Kathleen Mavourneen* (1919), based on an 1837 Irish song about a young woman who dreams that she marries a rich man she doesn't love in order to save her parents from poverty, but whose heart belongs to the village blacksmith. In the title role, thirty-four-year-old Theda wore torn cotton dresses, clumsy shoes, and pigtails; she milked cows and danced a jig. She was ecstatic: "I could run and jump and skip and be happy."

She also demanded a raise to \$5,000 a week. Fox refused. Taken aback, she stalled for a while and agreed to continue working in exchange for the studio's putting more money into *Kathleen Mayourneen*.

But Fox still would not give her \$5,000 a week. He wouldn't even renew her contract at \$4,000 a week. She wasn't worth it anymore.

The money itself didn't matter that much to Theda, who had discovered that "as one's income increases, one's expenses mount accordingly, and . . . you really are not any further ahead at double and thrice a former salary." But if, after all she had contributed, Fox so little respected her that he wasn't willing to pay her \$5,000 a week, then she preferred to leave. The final parting was, she later said, "brusque" and "unkind."

Despite widespread rumors, neither side formally acknowledged the break for months, probably because Fox Film still had several of her movies to release, and Theda stood to share in rental fee revenues. Fox advertised the final three as "super-productions" and Theda as "the Bernhardt of the screen."

At its August 19, 1919, premiere at New York's Forty-Fourth Street Theatre, *Kathleen Mavourneen* became an instant failure when patrons walked out before the end. "Can you fancy Theda Bara as an Irish colleen? No, neither could we," commented the *New York Tribune*. "Long and tiresome," added the *New York Times*. In a rare sympathetic review, *Moving Picture World* judged that while Theda's

work was technically "excellent," her vamp persona overshadowed her performance so thoroughly that it was impossible to believe.

Beyond New York, the response was worse. Ethnic prejudice flared up to protest the fact of a Jewish actress portraying an Irish heroine. In San Francisco, a mob of young men—"pigs in the parlor," said *Variety*—tore up the Sun Theatre, damaged movie projectors, and stole or destroyed reels of film. Although the theater manager vowed to continue the engagement, he soon changed his mind. *Kathleen Mayourneen* wasn't worth the risk.

Theda's final two movies for Fox Film, released in the latter half of 1919, did nothing to restore her reputation. *La Belle Russe*, an adaptation of a David Belasco play in which Theda played an artist's wife who happily becomes a ballet dancer to supplement her beloved husband's meager income, came across as "ancient" and "obvious." In *The Lure of Ambition*, as a demure public stenographer, the daughter of an alcoholic father, who is betrayed by a heartless wealthy Englishman and gets revenge by becoming a duchess, she seemed listlessly disengaged. *Wid's Daily* noted, "Theda herself is getting tired of such stuff. Her facial contortions expressing hate and disgust and then her vamping sure did lack the pep of former days."

Indeed, she had lost all enthusiasm for the movies. In the summer and fall of 1919, she published several articles in magazines and newspapers detailing her unhappiness with the "dreary monotony" of filmmaking and the "hideous" burden of her public image. Describing the average movie studio—by which she had to mean Fox Film, as it was the only movie studio where she had ever worked—as "a chamber of torture to the girl whose imagination is tainted with the flavor of artistic ideals," Theda wrote that her screen career had caused her "much bodily affliction" and had at times thrown her in with "the sordid filth of humanity." She was quitting "definitely and permanently," throwing off "the shackles of oppression" and asserting "my rights as an American citizen."

Fox would never comment directly about Theda's rebellion, but more than a decade later, he seemed to have her pointedly in mind when he spoke about actors who become ruinously intoxicated by fame: "Men and women in all parts of the world write letters telling this boy or girl how wonderful he or she is. First they themselves don't believe it, but soon this mail becomes voluminous and soon their poor little heads are turned. They have a new vocation in life—they must answer these letters to their fans, and in writing their replies, they misconceive their entire purpose in life and within a short space of time they honestly believe that they are superboys and supergirls, that they were intended to become great artists."

Then, Fox said, sycophantic employees push the star further into delusion. "Soon the secretary or manager or boy or girl insists upon reading the story before they will appear in it and insists upon making corrections. They know the author is wrong, and the director . . . no longer understands the performer." And so the star begins to turn out movies completely bereft of charm. "From then on, just as they rose on the straight line, so do they begin to descend on the way down . . . I have seen them go from nothing all the way up, and then all the way down."

All the way down. Although Theda had hoped for a stage role of the caliber of Nora in A Doll's House, the best play offered to her was The Blue Flame, about an agnostic doctor who accidentally kills his fiancée in a laboratory experiment and restores her using a "resurrection ray." Unfortunately, he disregards her soul, which rises to heaven in a blue flame. Theda agreed to play the girlfriend who changes from a ribbons-and-ruffles ingénue into a cocaineusing thief and murderer. Although the character wasn't unlike a typical Fox Film vamp, Theda insisted that the role would be a "stepping stone" for her. She had to be enthusiastic. The play's producer, A. H. Woods,* needed to sell tickets: he had spent \$40,000 to prepare for opening day. Theda, too, needed to sell tickets: her contract guaranteed her \$1,500 a week, plus 50 percent of the net profit.

How could it fail? As an employee in Woods's office pointed out, "William Fox spent \$2,000,000 to make Theda Bara the best-known picture actress in the world. The result of that now is being reaped by Miss Bara." At tryout performances in Washington, Pittsburgh,

and Boston, tickets consistently sold out. At Boston's Majestic Theatre, police reserves were called out to manage the crowds, and Theda had to abandon plans to arrive in a coach drawn by white horses. After her performances, hundreds of fans mobbed the stage door area, applauding and shouting and pushing to get a closer look as she left. During one week in Boston, she made \$6,000.

Great excitement awaited the play's sold-out New York opening at the Shubert Theater in March 1920. "Ermine evening cloaks, elegant coiffures and mammoth ostrich feather fans were much in evidence" among first-night ticket holders, who included Norma Talmadge, Fox Film child stars Jane and Katherine Lee, and vaudeville luminary Eva Tanguay. In the gallery seats were dozens of Theda look-alikes, "with hair slicked back, who had come to get some pointers and behold their favorite of the screen in the flesh."

Within a few hours, Theda's future turned upside down. According to *New York Times* reviewer Alexander Woollcott, "the audience lost control of itself and shook with laughter." Woollcott commented that although Theda had "a very pleasant voice," she delivered her lines "rather like a young girl at a high school commencement exercise." Heywood Broun, writing in the *New York Tribune*, had no obliging words at all: "Miss Theda Bara played the role without violating any of the city ordinances, but she was not so very good either." At the end of the third act, Theda's character said that God had been very kind to her. "Probably she referred to the fact that at no time during the evening did the earth open and swallow up the authors, the star and all the company," Broun commented. "Jonah was eaten by a whale for much less."

Devastated, Theda made excuses. She'd had a bad cold and was very nervous; that was why she couldn't speak properly. Besides, the house had been set against her: "Many of those in the audience were people who hated me. I don't know why they hate me, but they do. They do not know me personally and I haven't done anything to them, but they hate me."

The show held on in New York for several weeks, but according to *Variety*, about four-fifths of the patrons were die-hard movie fans who showed up only to see Theda and who otherwise never attended live theater. They couldn't have cared less about the quality of the play or about the artistic merits of her performance.

Citing health reasons on her passport application, Theda sailed with her sister on June 10, 1920, for a two-month vacation in England, France, and Italy.

Returning, she thought she had regained her strength. In late September, she took *The Blue Flame* to Philadelphia's Adelphi Theatre. Ridiculous, judged the *Philadelphia Inquirer*, which called Theda's vamping "as open-faced as a dollar watch, pre-war prices." Again, audiences laughed. In Chicago, the play also flopped.

Derisive rejection was the last thing in the world Theda had expected. She blamed Fox. He had ruined her career and her reputation with all those cheap, melodramatic movies. Passing him on Randolph Street in Chicago one day in November 1920, she didn't speak to him. At the end of the year, she left *The Blue Flame*.

Professionally, she was alone now. The mentor with whom she had replaced Fox, the affable lawyer McMahon, had retreated as soon as it became clear that Theda would have no more big paydays. During her waning days at Fox Film, she asked him to attend the premiere of one of her movies on a Sunday night at the Academy of Music. She was worried about it and wanted his honest opinion. A few days later he called to say, "What are you kicking about? Why, that is a wonderful picture." He had seen it on Sunday night? Yes, he assured her of that several times. But she herself had gone to the Academy of Music on Sunday night, only to discover that at the last minute her movie had been pulled and another one substituted. Soon afterward, Theda fired McMahon. In late 1919, he sued her for \$10,000 in alleged unpaid fees.

Theda traveled again to Europe in early 1921 and, shortly after her return, on July 2, 1921, just before her thirty-sixth birthday, she married *Kathleen Mavourneen* director Charles Brabin in a civil ceremony in Greenwich, Connecticut. She kept talking about returning to the movies, but it took her years to do so, and then, perhaps, she shouldn't have. She hated her first comeback effort, *The Unchastened Woman* (1925), produced by the Chadwick Corporation, in which she played a woman who goes to Italy and

becomes a vamp in order to save her marriage. The following year, she made her last screen appearance, in a two-reel comedy, *Madame Mystery*, codirected by Stan Laurel for Hal Roach's new "Star Comedy" series. In the film, which still exists, Theda seems frozen in the past, reprising the same expressions and gestures that made her famous at Fox Film, but that no longer fit either her maturing beauty or the tone of the rest of the movie. "It is a bit bizarre to see the voluptuous arrogance of Theda Bara set to the antic pace of hilarious comedy," commented Long Island's *Nassau Daily Review*. "One had the feeling . . . of something painfully reluctant in her, and not yet relaxed to the demands of the new medium."

"Once you reach the sky, you don't want to come down again," Theda said in 1919 after her first airplane ride. She felt the same way about her career.

For the rest of her life, she kept trying to regain the heights of stardom she'd known during her five years at Fox Film. In the fall of 1929, she put together a vaudeville act, a fifteen-minute dramatic sketch in which she played a Russian spy trying to capture a Bolshevik leader, and for a few months toured mostly in New York State. "It's utterly ridiculous," commented Variety. "What a pity! That Theda Bara should be detached from all the glamorous connotations of her name and seen in surroundings so devastatingly stupid." In the early 1930s in Beverly Hills, where she and Brabin lived, she appeared in two little theater productions; her 1934 performance as a "vampirish" adventuress was deemed a vanity project, "of interest only to her friends." She tried radio, hoping to revive her film career. "I'm considering an offer now, running through scripts and ideas," she told the host of the Lux Radio Theatre in 1936. "Oh, I just hope everyone will be as happy about another Theda Bara picture as I am." Nothing came of it. Her literary efforts also failed. She wrote two books, one titled What Women Never Tell and the other an autobiography. Neither sold to a publisher. Two planned movies about her life were never made.

Sixteen years after leaving Fox Film, she still held on to the look

the studio had created for her. "Black hair piled high, chalk white face pierced with those truly amazing eyes and covered from stem to stern, chin to knuckles by a black chiffon dress[;] under this and enhanced by the shadowy fabric she wore an armor of jewels and on the two inch window ledge near her were more, including a jeweled clock," recalled a TWA flight attendant who had Theda on a 1935 flight. "She was dramatic, perhaps eccentric, but she stays in my mind, all other descriptions fitting and otherwise aside, as a 'fabulous being.'"

Out of the public eye, Theda kept busy—she and Brabin had no children—doing charity work, tending her rose garden, and carefully preserving her memories. She'd saved many of her Fox movie costumes, wigs, jewelry, and accessories, and by her bedside she kept a copy of Dumas's novel *The Clemenceau Case*, the front cover of which bore a photo of Theda from the 1915 movie version. In 1953, seriously ill with the abdominal cancer that would kill her at age sixty-nine on April 7, 1955, Theda gave these mementoes to her twelve-year-old neighbor Joan Craig. Among them was the brown silk tasseled shawl she had worn in *A Fool There Was*. Craig said, "I remember Theda parading around her house wearing this shawl. It was especially significant to her."

Too late did Theda realize what she had found at Fox Film: her real self. The plaque on the wall of the mausoleum at Forest Lawn Memorial Park, where her cremated remains are interred, reads simply, "Theda Bara Brabin 1955," with Brabin and the year in smaller type.

Exodus

Other important talent jostled Theda Bara to get out the door at

Fox Film in 1919. By the time Theda left, Fox's best chance to replace her was already gone. In January 1919, second-string vamp Virginia Pearson left to start her own company, Virginia Pearson Photoplays, Inc. Four months later, Jane and Katherine Lee, the seven- and nine-year-old sisters who had headlined several of the studio's "kiddie pictures" and who routinely played small parts in regular features, departed when their contract expired. The girls had been sentimental favorites for Fox, but their mother thought they could do better elsewhere. (They couldn't, as they would learn during the next few years.)

Two major directors, fed up with Fox's creative meddling, also quit. A Tale of Two Cities and Les Miserables director Frank Lloyd went to Goldwyn Pictures. Fox regretted this. Despite Wurtzel's reports that Lloyd had become vain, arrogant, and uncooperative, he liked Lloyd and considered him a genius whose talents had contributed vitally to William Farnum's success. Also, at the end of 1919, having been held back for two years by contract options, Raoul Walsh was finally free to leave. He handed in his notice and signed on with the Mayflower Photoplay Corporation.

More disruptively, in early 1919, Fox fired director Henry Lehrman, head of the Sunshine Comedies division, on suspicion of stealing one of his own movies. The 1,800-foot negative of *A Lady Bell-Hop's Secret*, which was worth \$50,000, had been filched either

from the Fox lot or from the railway company that was shipping it from Los Angeles to New York. When the box supposedly containing the film cans was removed from an express train in San Bernardino, it was found to contain gravel and dirt. Evidently, the thieves planned to retitle the movie and sell it to distributors or exhibitors. With no one ready to take over for Lehrman, Fox had to shut down the Sunshine Comedies for several months until he hired director Hampton Del Ruth to take over.*

By the end of 1919, Fox Film had only two dependable box office draws, neither one with an expansive horizon. Leading man William Farnum, who turned forty-two on July 4, 1918, was beginning to feel the effects of several decades' worth of a very physical career. Various ailments assailed him, and he was putting on weight, working his way up to an ungainly 250 pounds. In *The Lone Star Ranger* (1919), *Variety* observed, Farnum "waddles more or less like a duck." Nonetheless, he continued to exert a strong appeal among both men and women. As a Parker, South Dakota, exhibitor commented, "Farnum gets the money for me . . . I wish I could play this star once a week." Before his contract's expiration on December 31, 1918, other studios came after the actor.

Desperate to hold on to his most prestigious actor and his screen alter ego, Fox gave Farnum astoundingly generous new terms. For four years, Farnum would receive \$10,000 per week, to be paid fifty-two weeks of the year, making him the movies' highest-salaried male dramatic actor.* The contract was straightforward and simple, consisting of a few typed sentences on one small sheet of paper.

Downstream from Farnum, former rodeo performer Tom Mix turned out consistently profitable Westerns that played mostly in neighborhood theaters. Mix had been a shrewd bet for Fox, the sort of low-risk, high-payoff chance he was always looking for. When Fox hired him in 1916 to make two-reel films, the thirty-eight-year-old actor was "up against it," reduced to wearing a lop-eared cowboy hat and down-at-the-heels boots after losing his job at the Selig studio. A few months later, Fox again saved Mix's career when bumbling studio manager Abraham Carlos saw no talent there and

wanted to fire Mix without releasing any of his movies. Fox, visiting Los Angeles in early 1917, noticed Mix leaning on a telegraph pole outside the Los Angeles studio door day after day, "always in a different costume, each one louder than the last." Fox agreed to speak to Mix, who insisted his movies would sell. "He made a very strong impression," Fox said. "We finally sent the two-reel pictures out and Tom was right—the audience did like them." Within months, Fox promoted Mix to feature films.

Mix's movie plots were nothing special, mostly white hat/black hat formula Westerns. His stunts were the real attraction—daredevil feats he performed flawlessly, allegedly without a stunt double. In Fame and Fortune (1918), he leaped through a window and did a somersault before landing on his horse. In Rough Riding Romance (1919), he rode at full speed alongside a passenger train, lassoed a fixture on top of one of the cars, and swung himself up onto its roof. In Hell Roarin' Reform (1919), he rode his horse through a real plate-glass window. Even the habitually crotchety Wid's was impressed: "That boy Tom Mix sure don't care what happens . . . he really pulled the stunts without any camera tricks or soft stuff to land on."

Briefly, Fox thought about trying to make more of Mix. Then he thought better of it. There were, he realized, two Tom Mixes. Unlike his public persona, the off-screen Tom Mix drank heavily and had a volatile, sometimes violent personal life. During April 1917 divorce proceedings, Mix's third wife, Olive Stokes Mix, whose father had owned the Oklahoma ranch where Mix once worked as a cowboy, testified that he had given her a black eye. The following year, at age forty, he married his fourth wife and frequent costar, twenty-two-year-old Victoria Forde.

By early 1919, Mix had become "a vastly different man than when you knew him," Sol Wurtzel warned Fox. Mix argued frequently with directors, so that even the one director he liked asked not to be assigned to work with him. He was also getting sneaky. While Fox was away in Europe in early 1919, he wheedled a \$2,500 loan from the studio out of Wurtzel, which predictably brought a torrent of wrath down on Wurtzel's head. Fox didn't

object to the loan having been made to Mix, but he was furious that Wurtzel had acquiesced without getting approval from Fox Film's Board of Directors, as required by New York State law. Fox's response must have made Wurtzel quake: "Your attitude in this matter assumes a proportion far beyond anything that Carlos dared to do during his regime . . . I am warning you never to do it again."

Mix had further exploited Fox's absence to get Wurtzel to let him direct one of his movies, a request that Fox said he would not have approved. While ultimately it was Wurtzel's responsibility to know how to do business, Mix had asked the person who couldn't say no to him and he had asked at a time when that person couldn't easily ask anyone else for advice. Fox had told Wurtzel not to discuss sensitive business matters with anyone except him. Fortunately for Wurtzel, Fox recognized Mix's underhandedness and assured Wurtzel that he considered Mix's conduct "dirty, damnable," and "nothing short of a disgrace."

Such feelings were not to interfere with business judgment. In November 1919, Fox approved a new five-year contract for Mix, a generous deal that forgave the actor's \$2,500 debt and provided for annual increases of \$500 per week. Although he personally wanted to punish Mix by offering only a renewal of the existing terms, he recognized that the enhancements were in "the best interests of the Fox Film Corp."

Fox couldn't find any big stars to replace his losses. In January 1919 he reportedly bid aggressively for Douglas Fairbanks, whose contract with Paramount-Artcraft was due to expire that spring. Fairbanks preferred to become a founding partner of United Artists, along with Mary Pickford, Charlie Chaplin, and D. W. Griffith. According to film historian Kevin Brownlow, Fox also tried to hire Buster Keaton in 1919, offering him a salary of \$1,000 a week. Loyally, Keaton decided to stay with producer Joseph M. Schenck, who paid him only \$250 a week. All Fox could get were a few novelty names and a revolving door of undistinguished newcomers. Pearl White, the enormously popular star of the *Perils of Pauline*

serials for Pathé during the past five years, signed with Fox in June 1919. Fox intended to transform her into "a dramatic star of power and charm," but she had made her fortune already. Settled into a twenty-acre estate at Bayside, Long Island, and recently married to musical comedy performer Wallace McCutcheon Jr., she would appear in only a handful of Fox movies per year.

More oddly, Fox tried to make a star out of Evelyn Nesbit, the onetime Florodora Sextette showgirl whose wealthy husband, Harry K. Thaw, had famously and fatally shot architect Stanford White three times in the head at the Madison Square Garden roof theater on June 25, 1906. Fallen on hard times after Thaw was committed to the Matteawan State Hospital for the Criminally Insane, Nesbit refashioned herself as a cabaret and vaudeville singer and dancer and also appeared in several small movies. In 1918, Fox gave her a six-month contract. At Fox Film, she made half a dozen movies with suggestive titles such as I Want To Forget (1918), Thou Shalt Not (1919), and A Fallen Idol (1919). All failed, burdened not only by what Variety called "the heavy handicap of Miss Nesbit's 'acting,'" but also by her lazy, unreliable work habits. As Wid's reported, "Evelyn Nesbit has a way of evading her directors. When they want her for a scene, they always have to hunt the studio over for her. Her favorite trick is to climb on top of a table and go to sleep."

Among top-drawer directors, Fox Film had only one left. Psychologically, Fox clung tightly to J. Gordon Edwards, praising him as the "dean of motion pictures . . . an indefatigable worker" who "epitomizes all the best that is embodied in Fox productions." Even while attacking the creative decisions and spending habits of other directors, Fox spared Edwards. As he wrote to Wurtzel, Edwards "does not spend a single penny more than he has to, for he, as you know, has my explicit faith and confidence. . . . I am not now finding fault with the cost of any of the pictures made by Mr. J. Gordon Edwards." Finding new recruits was difficult. In an era when many directors aspired to unfettered creative control, Fox literally advertised his intention to interfere. A full-page ad in

Motion Picture News in November 1918 announced, "The Fox director is not the final authority." At Fox, every movie underwent "critical and minute reviewing . . . again and again, after every change" by Fox himself.

Death also took a toll, removing two of Fox's closest associates at the New York headquarters. James E. MacBride, the former president of New York City's Municipal Civil Service Commission, who had started in July 1918 as an assistant to Winnie Sheehan and became chairman of Fox Film's executive committee, died in August 1919 of heart disease. He was only thirty-eight. Five months later, on January 15, 1920, John J. White, the former New York City alderman and "confidential man" of the two Tim Sullivans, also died of heart disease. He was in his fifties.

All these departures, Theda's foremost, coincided with a number of revenue setbacks for Fox. Although the studio would turn a profit in 1918 and 1919, the signing of the Armistice on November 11, 1918, took him by surprise. He had expected the war to last at least until 1919 and had planned production on that basis. Additionally, the Spanish influenza outbreak of 1918, which would end up killing 675,000 Americans, had forced delays in his releasing schedule, increasing the risk to time-sensitive material. Fox Film was one of the eighteen movie studios and distribution companies that agreed to suspend all production and release no new movies for a fourweek period beginning on October 14, 1918. Health authorities had already ordered about 75 percent of the nation's movie theaters, which were considered breeding grounds for the disease, to shut down until the epidemic abated. In Los Angeles, theaters would remain closed for thirty-seven days, from Friday, October 11, until Monday, November 25, causing a loss of about \$6 million.

By the time studios resumed releasing new features, peace had arrived. Fox tried to reposition his war-themed movies as dramas of postwar adjustment that would "epitomize American thought and ideals and point the way of triumphant American progress." Why America Will Win, the flag-waving biography of General John J.

Pershing, became *Land of the Free*. Raoul Walsh's pro-draft propaganda movie 18 to 45 became *Every Mother's Son*, advertised as "a tremendous epic of the American woman's part in the World War—the heroism, the suffering, the supreme sacrifice of the millions of mothers who gave their sons to their country." It didn't work. Audiences recognized stale merchandise and shunned it.

Beginner's luck had run out. So had youthful enthusiasm. On January 1, 1919, Fox turned forty. All signs indicated that his best years were behind him.

Everything Changes

The makeshift days are gone. Organizations and organization made pictures will rule the market.

-- MOTION PICTURE NEWS, AUGUST 1919

Far more disturbing to Fox than the studio's internal upheavals were the changes taking place in the motion picture industry's financial foundation. In the mid- to late 1910s, Wall Street came calling. Previously, investment bankers had sat on the sidelines, waiting to see whether motion pictures would be a passing novelty or a permanent cultural fixture. Now they decided. In late 1915, the Harriman National Bank, one of New York's most conservative financial institutions, praised motion pictures for their "graphic illustration of the power of the nickel, the dime, and the quarter" and described the industry as having probably the fastest growth rate in American history.

The deal considered to have marked the entrance of big financial interests into the movie business was an odd alliance. In May 1916, Thomas F. Ryan, a principal stockholder of the American Tobacco Company and a Tammany Hall denizen who had made a fortune in the development of the New York City public transportation system, put together a deal to reorganize J. Stuart Blackton's Vitagraph Company by issuing \$25 million in new stock. (None of the new stock was put up for sale, but was either given to

the company's previous owners or kept in the treasury to fund expansion.) A former street railway company president joined Vitagraph's new board of directors, as did American Tobacco Company vice president Benjamin B. Hampton and Ryan's son. The affiliations did make some sense: cigars sales and public transportation were small-change, large-volume businesses, just like the movies. By the fall of 1917, J. P. Morgan & Co. had reportedly earmarked \$100 million for investment in the industry.

Following the Armistice, the trend accelerated rapidly, with Wall Street acting like "a sort of hysterical Santa Claus" to the movie industry. The momentum was irresistible. Having discarded their shabby, disreputable image in only a decade, U.S. movie studios were now turning out more than one billion feet of film a year for fifteen to sixteen thousand theaters nationwide. Between 1918 and 1919, gross box-office receipts were expected to jump from \$675 million to \$800 million. In the words of *Wid's*, motion pictures looked like "the softest melon in the field today."

Two other factors intensified the lure. First, the end of the war had made capital much more fluid, and capital naturally sought investment. Second, Prohibition, which loomed after the Eighteenth Amendment was ratified on January 16, 1919, promised to divert a large swath of social drinkers out of the neighborhood taverns and into the next most alluring entertainment venue, the local movie theater. (Prohibition was, however, a delicate subject for the motion picture industry because many of the organizations behind the anti-alcohol movement were also those that advocated film censorship. Some feared that the reformers' success with Prohibition would reinvigorate their efforts to regulate motion picture content.)

Of all the early movie moguls, no one understood these fundamental structural changes more quickly or more incisively than Adolph Zukor, head of Famous Players—Lasky (later Paramount Pictures). Zukor would become Fox's chief rival, the one to catch up with and overtake, the only other studio head whom Fox considered his equal in intelligence.

A former furrier, six years older than Fox and born in the town

of Risce in the same Tokay grape district of Hungary as Fox's Tolcsva, Zukor was all shrewd, precise intellect. He had long been at the industry's forefront. Co-owner of Automatic Vaudeville on Fourteenth Street where, in 1904, watching the miniature train cars go around and collect pennies from the machines, Fox had been inspired to enter the entertainment business, Zukor had gone on to partner with Marcus Loew in a chain of nickelodeons. In April 1912, sensing that the future lay with feature films, he formed Famous Players to import Sarah Bernhardt's *Queen Elizabeth* and later to produce movie versions of "famous players in famous plays" with stage stars such as Tyrone Power, John Barrymore, and soonto-be Fox star William Farnum. Once he'd started, there was no stopping Zukor. In 1914, he scored a landslide success by presenting Mary Pickford in her feature film debut, *A Good Little Devil*.

Zukor loved the movies as much as Fox, but in a very different way. For Fox, movies were an expansion of life, a heightening and highlighting of truth. For Zukor, movies filled a vast, vacant inner space. His official childhood history portrayed him as a victim of repeated traumatic loss: his father died when he was one, his mother when he was eight, and an uncle adopted his more scholarly older brother, but not him. At sixteen, he left his native land to come to the United States with about forty dollars provided by the Orphans' Bureau. At least, that was the story Zukor told in his 1953 autobiography, *The Public Is Never Wrong*. It may have been emotionally, rather than factually, true. In 1923, when he made an impromptu visit to Risce, the Paris edition of the *New York Herald* reported that Zukor had left his hometown at age eighteen with his third-class passage to America paid for by his grocery store owner father.

Whatever the determining factors, Zukor developed a self-protective, self-important manner that offended others. When he worked with Marcus Loew at the outset of their motion picture careers, Loew, whom everybody liked, didn't like him. Reportedly, Loew wouldn't even give Zukor a desk at the office, and when Zukor showed up, Loew would comment, "There comes the pest."

Short and slight, with a seamed, pitted face, Zukor struck fear

into everyone he met. Everything about him spoke of a desire for correctness: his well-tailored suits, his diamond ring, the carefully fitted boots he wore on his small feet, his precise, poised manners. He was so controlled that even his smile wasn't really a smile. Instead, it was, according to British politician and *Daily Express* owner Lord Beaverbrook, who met Zukor around this time, "just a distortion of the mouth which is meant to answer for a smile." Only when Zukor talked about the movies did he come alive. Then, said Lord Beaverbrook, he "blazes up into a furnace of excited intensity . . . You see in eyes, in voice, in gesture, the zealot, the dreamer, the discoverer." Film historian Neal Gabler has described Zukor as "a man who had been emptied out in childhood, who had lost or been deprived of love and security, and who then set about to fill himself back up again." Marcus Loew said, "He became a success to prove he wasn't a failure."

Zukor's temperament gave him a distinct advantage over Fox. While Fox was always in danger of letting his emotions overwhelm him, of seeing what he wanted to see, Zukor was willing to take the world exactly as it was and to do whatever it demanded to win. To Fox, movies were a life to be lived. To Zukor, they were a land to be conquered. And Zukor meant to conquer. He often said so himself.

Accordingly, on June 27, 1916, Zukor merged his Famous Players Film Company with the Jesse L. Lasky Feature Play Company to form a \$12.5 million corporation that officially took shape on July 19, 1916, as Famous Players—Lasky (FPL). Financially, FPL was two-and-a-half times the size of Fox Film at its inception seventeen months earlier. FPL quickly acquired all the stock of two other production companies, Bosworth, Inc., and the Oliver Morosco Photoplay Company, and made deals to distribute movies by such leading independent producers as Thomas Ince and Mack Sennett. Zukor also moved into distribution. After failing to take over the Paramount Pictures Corporation, which was then a national distributorship handling all Famous Players' and Lasky's movies, Zukor started Artcraft Pictures in July 1916 as an allied distributorship. He thus crippled Paramount, whose owners sold out to FPL before the end of the year. Zukor then dissolved the Artcraft

and Paramount companies, but kept the names and began to distribute FPL movies under both banners. Artcraft soon acquired the nickname "Art-Graft."

By the summer of 1917, FPL controlled many of the most popular stars (including Mary Pickford, Douglas Fairbanks, John Barrymore, and Dorothy Gish) and directors D. W. Griffith and Cecil B. DeMille. Having established a dominant position in production and distribution, FPL began to bear down on exhibitors by raising rental fees, insisting on block booking (a policy that required theater owners to take movies they didn't want in order to get movies they did want),* and demanding advance deposits for movies.

Zukor's actions threatened Fox both by their merciless vigor and by the chain reaction they triggered. Many exhibitors, the gatekeepers to the audience, feared that no sooner had they gotten rid of one oppressive monopoly, the Motion Picture Patents Company, than another one, in the form of FPL, was rising to take its place. To counter that possibility, in 1917 twenty-six leading exhibitors, who controlled about one hundred large theaters in thirty-five U.S. cities, formed the First National Exhibitors' Circuit to buy or make their own movies through independent production companies. By granting subfranchises to suburban theater owners, First National gained control of more than six hundred theaters. That reach gave the organization tremendous financial resources, especially because it didn't have to maintain an actual studio. It also allowed First National to guarantee actors and directors extensive, first-class distribution of their work. First National landed Charlie Chaplin in a \$1.2 million deal, and in 1918 it struck directly at Zukor by luring Mary Pickford away from FPL with an offer of \$250,000 apiece for three movies, along with 50 percent of the profits and complete creative control. Because henceforth many of the best U.S. movie theaters would fill their schedules with their own movies, First National's plan stood to slash Fox Film's film rental revenues.

The outlook got worse. Reacting to the creation of First National, Zukor coolly announced that, "in self-defense," he, too,

would link production and exhibition. Nationwide, Zukor began to buy large first-run theaters, removing still more from the competitive marketplace. Among his acquisitions were three New York City movie palaces, the Strand, the Rialto, and the Rivoli; he also gained control of Los Angeles's largest movie theater, Grauman's Million Dollar Theater. In the late spring of 1919, Zukor bought the New York-area chain of theaters owned by Fox's former Knickerbocker partner, Benjamin Moss, reportedly paying \$750,000 in cash. Wid's Daily warned readers that "'the Wise Man of the East,' Mr. Zukor," might be planning to use theater owners' money against them: "Have you ever stopped to consider the fact that this organization may be intentionally boosting the price of films skyhigh with the realization that they will be able to get away with it for a certain length of time while the exhibitor loses what little he's got, and that then it will be comparatively easy to go into Mr. Exhibitor and buy his theatre?"

By mid-1919, FPL was by far the largest American movie studio, with \$22 million in net assets and projected annual net earnings of \$5 million. Even so, the money wasn't coming in fast enough to fund Zukor's expansion plans. Conveniently, there was Wall Street, panting to invest in the motion picture industry. In the fall of 1919, FPL authorized an issue of \$20 million in new stock, half of it immediately, with underwriting by Kuhn, Loeb & Co. (Fox might have had that deal for himself, given his close association with Kuhn, Loeb leaders Jacob Schiff and Felix Warburg during the 1917–1918 charity fund-raising campaigns, and given what *Variety* described as Fox Film's "particularly healthy financial position." Fox, however, didn't want to pay the price.) To get the money, Zukor had to agree to accept a finance committee dominated by bankers.

Others followed in Zukor's footsteps. In the fall of 1919, backed by the J. P. Morgan firm, Marcus Loew took his company public, converting Marcus Loew Enterprises into Loew's, Inc. and issuing 700,000 shares of a newly authorized four million shares of stock. Several members of the Morgan group joined the Loew's board of directors, as did William C. Durant, founder and president of

General Motors. Sam Goldwyn, who had formed Goldwyn Pictures after leaving FPL, began negotiations with the Du Ponts, who, following the end of the war, desperately needed to find a new outlet for their chemical business to replace the gunpowder market. Because the same chemicals used for explosives were also used to make motion picture film, the DuPont company was gearing up to challenge Eastman Kodak for the raw film stock market.

"Can Wall Street systematize the industry and put it on what is termed 'a business basis' without killing the patient?" a 1919 Variety editorial fretted. "Are the men who have built up the industry through their imagination, persistence, and knowledge of the public and its amusement needs, going to remain in charge of the destinies of the industry, or are they going to be relegated to the positions of department heads, with adding machines as their immediate superiors . . . ?"

Zukor, Loew, and Goldwyn believed they could manage the moneymen. Fox wanted neither the bother nor the risk. As *Variety* commented, "William Fox . . . has always stood alone, and those in his confidence declare he will always do so."

Nonetheless, Fox recognized that the influx of Wall Street money had drastically reconfigured the motion picture industry landscape. With two major companies, FPL and First National, each controlling its own extensive network of first-run theaters, and with a third threatening to do so as Marcus Loew began discussions to ally his theater chain with the Metro production company, the market was no longer openly competitive. Fox Film either would have to break into those circuits by offering very, very unusual movies—and no one could produce those all the time—or it would have to drop back and do business primarily with the remaining, mostly lesser, theaters. Popular appeal, Fox understood, would no longer primarily determine a movie's success.

That troubled him in principle as well as practicality. While he still owned most of his theaters from his early days in the industry, he didn't want either to expand his circuit or to monopolize it with

his own product. He regularly booked other studios' movies at his theaters and concentrated on selling Fox movies to other exhibitors. He was even willing to use his own theaters to help a fledgling rival. In 1917 he gave a significant boost to the newly formed Goldwyn Pictures by contracting to book all its output into every Fox theater in the New York metropolitan area. Fox valued his theaters not only as a revenue source but also as a way to stay in touch with his customers' needs. He often boasted that William Fox the producer made movies that William Fox the exhibitor wanted to show.

Now, reluctantly, Fox began to acquire theaters again, starting in St. Louis, where the well-entrenched First National circuit threatened to shut him out. In July 1918, he took a multiyear lease on the 2,000-seat Victoria Theatre there, renaming it the William Fox Liberty Theatre. In the summer of 1919, he sent a broadcast letter to exhibitors nationwide offering to buy their theaters. He then spent \$1 million in cash to acquire four Denver theaters (the Rivoli, Isis, Strand, and Plaza) and also signed a five-year lease on Detroit's Washington Theatre. That fall, two Fox representatives went out on the road to begin negotiations to acquire about twenty theaters west of Chicago, all with seating capacity of 1,800 to 2,500. In December 1919, he announced plans to build the largest theater in Brooklyn, a \$1 million, 3,500-seat venue on Flatbush Avenue at the corner of Duryea Place.

Fox had little enthusiasm for these projects. All he really wanted to do was to make movies. In order to make movies, however, he had to become a major exhibitor.

Seeking new inspiration, on March 6, 1919, Fox sailed to Europe for two months with Winnie Sheehan and Abraham Carlos. It wasn't an original idea. Many other studio executives were also making pilgrimages to the birthplace of motion picture art.

Upon landing in England, where the trade publication *Bioscope* hailed him as a "living embodiment of all that stands for what is best in the world of pictures," Fox made grand pronouncements.

Perhaps movies might work alongside President Wilson's League of Nations to promote international harmony. At least, they should never be considered merely a business. In a *London Daily Mirror* article that appeared under his byline, Fox wrote, "What a tragedy it would be if the great writers, artists and sculptors of the world lived their lives as a commercial proposition! . . . Only those who actually love art should have anything to do with the making of motion pictures."

During two weeks in France, he visited Paris, toured battlefields at Rheims and Verdun, and announced that Fox Film writers were working on scripts to be set against these backdrops so that friends and relatives of war veterans could see the places where their loved ones had fought. Art, he said, "overleaps boundaries of race and language." Art, family unity, international harmony—Fox was reminding himself of the ideals he'd had when starting out as a producer five years before. Toward any practical purpose, however, his words were meaningless. He was far too worried about money to act on them.

He and Sheehan did at least establish ten new sales offices in Europe. Otherwise, Fox arrived back in New York on May 5, 1919, empty-handed. He had found no new stars, directors, or ideas.

He took out his frustrations on the beleaguered Sol Wurtzel. In June 1919, reviewing the studio's activities during his absence, Fox wrote to Wurtzel that he was "mortified to find the great quantity of money that [Jack] Leo is wiring you each week" and even more mortified, when he sat down to analyze expenses, to learn that the West Coast studio owed various merchants \$70,000. Wurtzel was letting directors shoot too much footage, overpaying for supporting players, overpaying for furniture and props, and renting cars when the studio owned many cars. Moreover, Fox hated a lot of the movies that Wurtzel had sent him. Footlight Maids (1919), a Sunshine comedy about the theater world, was "impractical, impossible and unreleasable, and I have ordered it thrown into the waste heap." Tom Mix's High Speed was mostly a mess. Gladys

Brockwell's *Sadie* was "impossible . . . fit for the junk pile." Wurtzel had ruined *Gypsy Love* by miscasting it. *The Rebellious Bride*, *Miss Adventure*, and *Cowardice Court*, none of which had cost more than \$36,500, were all "stupid, insipid pictures." Fox railed, "Is it not evident to you that there is something radically wrong?"

He seems to have given some thought to replacing Wurtzel with Sheehan. That is, Sheehan, with his air of "wide-eyed innocence" and his "cherubic smile," was noticed spending a lot of time at the Los Angeles studio in the fall of 1919. Nothing came of that. Although he might have had greater managerial ability, Sheehan still lacked the essential trait of trustworthiness. Wurtzel, by contrast, grew ever more anxious to please, and took on more blame and more work without complaint. By December 1919, with Fox's portrait staring over his shoulder, he had four phones on his desk.

So, the studio plodded on. Between late 1918 and 1920, Fox made no ambitious movies on the scale of *A Daughter of the Gods*, *Cleopatra*, *A Tale of Two Cities*, *Les Miserables*, or *The Honor System*. That was one of the reasons so much talent was leaving: the ship seemed to be sinking. Yet, with limited access now to many of the nation's first-run movie theaters, the studio couldn't afford to operate on its former scale. Instead, Fox Film adopted the slogan "Not for One, but for All." That was a euphemistic way of saying that while FPL and First National might concentrate on big features that could sell two-dollar tickets in the large urban theaters they controlled, Fox would primarily serve second- and third-run theaters that charged dimes and quarters for admission.

The studio did have a few notable releases. *Checkers* (1919), a romance set in the world of thoroughbred horse racing, was a big commercial success, pulling in rental fees of at least \$500,000. However, the movie had no claims to artistic achievement. Its main attraction was a scene of burning railway cars tumbling over an open drawbridge into New Jersey's Raritan River. Raoul Walsh's *Evangeline* (1919), on the other hand, won widespread critical

praise as "a camera revelation and a Fox triumph," with "some of the most beautiful scenes" ever filmed. Yet, with no big stars (Walsh's wife, Miriam Cooper, played the title role), no big sets, and no big, thrilling action scenes, *Evangeline* was essentially a small art film and did only middling business.

William Farnum did what he could to earn his \$10,000 a week, but with Fox unwilling to spend as much as \$100,000 on any of his movies, his main value to the studio was as a prestige symbol. He dutifully went back to the sort of generic, two-fisted, action-adventure roles in which he'd started at Fox Film. He made a string of movies based on best sellers by his friend, pulp Western novelist Zane Grey—*Riders of the Purple Sage* (1918), *The Rainbow Trail* (1918), *The Lone Star Ranger* (1919), and *The Last of the Duanes* (1919)—but Zane Grey was no Charles Dickens or Victor Hugo, and everyone knew it. When director Frank Lloyd wanted to go back to the Grand Canyon to reshoot scenes of *Riders of the Purple Sage* that had accidentally gotten fogged during lab processing, Fox refused because the trip would have added \$6,000 to the existing \$85,000 cost, which was already more than he deemed the movie likely to earn.

The rest of Fox Film's postwar releases relied on the same old melodramatic formula, which now seemed irksome to those who wanted the movies to move ahead. Reacting to a list of Fox titles that included *Gambling in Souls*, *Pitfalls of a Big City*, *The Love That Dares*, *Broken Commandments*, *The Divorce Trap*, *The Splendid Sin*, *The Call of the Soul*, and *The Forbidden Room*, *Variety* complained, "[T]here is behind all Fox productions a certain general scheme that is more important than any other consideration. This scheme is to put out melodramas that are heavy with sex appeal and blow air into the deadweight by swift action and unusual photography." Well, yes, but Fox could make these movies cheaply and rent them profitably to neighborhood exhibitors who served a relatively undiscerning audience. After all, in 1919, an estimated 75 percent of the movie audience was under the age of twenty-four.

The cost cutting showed. In *The Web of Chance* (1919), a *Motion Picture News* reviewer noticed, "There are only about five sets used

in the picture and the balance is taken up with subtitles or exteriors. Miss [Peggy] Hyland wears the one dress through the picture excepting for the few minutes spent in a riding habit." In William Farnum's *The Man Hunter* (1919), lead actress Louise Lovely wore one dress when she went down with a sinking ship but another when she was dragged to shore, and although the ship's name was *Asia*, its life preservers were labeled "New York."

Were Fox's best days behind him? In mid-1918 he started rereleasing movies from the studio's first few years. He stooped low enough to include among them *The Nigger*, the racially offensive 1915 drama that starred William Farnum as a Southern governor whose life falls apart when he learns he has mixed blood. Civil rights advocates pleaded with Fox not to do it. An open letter to him published in the *Philadelphia Tribune* admonished, "It was a mistake to make the picture in the beginning. It offended thousands of Negro patrons of the theatre, and in more than one occasion disturbed the public peace, and increased race friction. Granted it was purely a business proposition. Is that your only desire, to make money?"

Fox did not reply. His only concession was to reissue *The Nigger* under its alternate title, *The New Governor*. Money wasn't his only desire, but right now it had to be his first desire.

On the public stage, Fox exuded confidence. On May 27, 1919, declaring Fox Film to be "the greatest film organization in the world"—no one else saw it that way—he announced plans to build a \$2.5 million state-of-the-art movie studio in Manhattan. It would be the largest movie studio in the world, occupying the entire eastern length of Tenth Avenue between Fifty-Fifth and Fifty-Sixth Streets, a virtual "film city" for five thousand employees.

Fox had long wanted a major East Coast studio. In late 1915, several months before Fox Film's first anniversary, he had bought sixteen acres of land at Corona, Long Island, and begun leveling the ground in preparation for building a \$1 million headquarters.

Designed by theater architect Thomas Lamb, this, too, was to be a "film city," comprising five studio plants, a two-story administration building, an equipment manufacturing factory, a film lab, a small hospital, a lake, and natural gardens; on adjacent land, Fox planned to build homes for two thousand employees. Before construction began, however, he learned that the borough of Queens had the right to build a street through the property and would be able to demolish some of the planned buildings. Although, by November 1916, Queens officials had redrawn the map to eliminate the street, Fox dropped the plan.

Instead, he had bought the Western Avenue property in Los Angeles. But he had never gotten the West Coast studio firmly under control, not only because of all the inefficiency of doing business cross-country, but also because Los Angeles didn't entirely like the movie industry. Many landlords refused to accept motion picture employees as tenants or charged them exorbitant rents; stores often added a 10 percent premium to their prices to studios, and the Los Angeles County assessor appraised movie cameras, light machinery, and electrical equipment at a rate 5 percent higher than that applied to the equipment of other businesses. In the fall of 1917, activist neighbors at Western and Sunset tried to get Fox Film to leave by complaining to the City Council that it was annoying nearby residents and causing the value of adjacent properties to depreciate. New York, with its longer history as a major city, could better absorb a new studio, especially in the area Fox had chosen. The Tenth Avenue site had been previously occupied by old onestory buildings and a coal yard, and was surrounded by a raffish assortment of tenements and warehouses.

In the late 1910s the movies' return to their original American home made sense. The end of the war had eliminated the coal restrictions that had helped drive movie production westward, and improved technology, especially better arc lighting, offset some of Southern California's natural advantages. Other industry leaders saw the logic. In the spring of 1919, around the time Fox announced his plans, Adolph Zukor started building a \$2 million studio for Famous Players–Lasky in Long Island City. Also joining

the reverse migration that year were producer Lewis Selznick, who built a four-story, 120,000-square-foot studio in Long Island City; D. W. Griffith, who moved his operations to a 28-acre estate in Mamaroneck, New York; and Goldwyn Pictures. In February 1920, Metro began renovating its Manhattan studio at 3 West Sixty-First Street, which it had closed during the war, and announced plans for a \$2 million studio on Long Island.

Fox didn't intend to abandon West Coast filming. In fact, in the fall of 1919, he began to expand the Western Avenue studio by building a large new stage and more laboratories and dressing rooms. Los Angeles would be fine for lesser, routine movies, the sort that a frightened former bookkeeper like Sol Wurtzel ought to be able to manage. New York would host the prestige projects that Fox intended someday to get back to making.

Embodying that ambition, the new Tenth Avenue headquarters, a massive three-story redbrick building, would have the best of the best. On the third floor would be room for twenty companies to film simultaneously, with the roof supported by flying trusses so that no pillar or post would obstruct set design. The other two floors would house administrative offices, film processing labs, thirty-five fireproof and waterproof film vaults, and twelve projection rooms designed as mini-theaters, each with its own piano and upholstered seats on a sloping floor. According to *The Scientific American*, which ran a feature article on the building in June 1919, never had any movie studio been so well organized or so scientifically planned.

Equally, the building's design reflected Fox's strong paternalism. All would be safe under his roof. Blueprints called for firewalls to extend throughout the whole building at frequent intervals, so that any section could be cut off and the spread of fire quickly contained; no employee would ever be more than one hundred feet away from an exit. In case of a greater emergency, an innovative system of inclined runways, averaging twenty-five feet wide and made of steel and concrete, led from each of the three floors to the street, so the entire building could be evacuated in only sixty seconds. The building also had a \$70,000 sprinkler system, supplied by a fifty-thousand-gallon water tank on the roof. Medical staff

would be on duty at all times, and an ivory-and-white cafeteria would serve nutritious meals at cost to all employees. Believing that problems such as "irritability, nervousness, inaccuracy and illness" often arose from physical causes, Fox ordered an in-house gymnasium and a sophisticated ventilation system that would "wash" all the air in the building clean every five minutes.

Backbiting chatter arose within the industry: how foolish to locate the studio in Manhattan, when real estate was so much cheaper in New Jersey; and how much more foolish to start construction now, when the prices of building materials were still exorbitant because of wartime disruptions. Disregarding the naysayers, Fox scheduled an elaborate cornerstone-laying ceremony for June 6, 1919, about a month after his return from Europe. Workers built a grandstand in front of the construction site and covered it with American flags; a band was hired to play "The Star-Spangled Banner" and arrangements made for a dozen police officers to cordon off that block of Tenth Avenue.

Fox didn't attend, allegedly because of a "slight illness." His absence wasn't particularly remarkable; he rarely made public appearances. Presiding instead amid drizzling rain were Fox Film treasurer John Eisele, Manhattan Borough president Frank Dowling, a Catholic priest, and a Jewish rabbi, along with Eva, Mona, and Belle Fox. After Dowling laid a large slab inscribed "1919" in the southwest corner of the building, eighteen-year-old Mona placed into the cornerstone a time capsule box* containing a film of the ceremony, various newspaper clippings, photos, and press books from *Cleopatra*, *Salome*, *Les Miserables*, and *A Daughter of the Gods*. The greatest moments of the studio's past were thus embedded in its future.

Four months later, Fox introduced another major project. On October 11, 1919, Fox News began twice-weekly releases of global news and feature stories. It wasn't the world's first newsreel. That had been the *Pathé Faits Divers*, launched in France in 1908 and exported to the United States on August 1, 1911, as *Pathé's Weekly*. Neither was Fox News the most comprehensive service. The *Hearst International News*, which had absorbed *Universal News* in an

estimated \$1 million deal at the end of 1918, came out daily. Fox News did, however, promise to provide a uniquely entertaining perspective by offering "the new, the different, the strange, the odd, the unique, the most wonderful things of human life and human ingenuity" from all countries "civilized or barbaric."

Fox himself had come up with the idea for Fox News during the summer of 1919, both to generate more income and to bolster the studio's faltering reputation. In only three months, he arranged an exclusive affiliation with United Press and assembled a staff of sixty cameramen in major cities around the globe. Promising that Fox News would devote itself to promoting world peace, Fox extracted letters of endorsement from five U.S. senators, the governors of Arkansas and Iowa, and even President Wilson, who wrote on White House stationery, "I congratulate the Company upon its public-spirited plans."

They really were public-spirited plans. Early issues of Fox News bore the stamp of Fox's idealism. Here was the self-styled father figure dispensing advice to parents: the inaugural Fox News release included a feature about a free clinic that taught mothers how to care for their children correctly. That was the first in a "Better Babies" series edited on a volunteer basis by Dr. Josephine Baker, head of the Bureau of Child Hygiene in the New York City Department of Health. Later installments showed Chicago beer trucks, idled by Prohibition, delivering milk to poor mothers and children, and a professional clown teaching hygiene to children in a New York City public school.

Here also was the optimist, the believer in a solution to every problem. A Fox News "Who's Who in America" item showed the sixty-nine-year-old inventor of smokeless powder playing tennis, boxing, and canoeing—even though he had accidentally blown off his left arm. And here, finally, was a sign of remorse for having made *The Nigger*. That first Fox News segment about the free clinic for mothers pointedly included an African American baby with a title insert that read, "Science draws no color line."

Fox News lost money right away. Fox kept it going. One day it would be profitable, he believed. As a November 1918 Fox Film ad

explained, "Any man is bound to win out, who is clever enough to know what the public wants—and wise enough not to haggle about the cost of giving it to them."

Perhaps it hadn't been a slight illness that prevented Fox from attending the Tenth Avenue cornerstone-laying ceremony on June 6, 1919. Around that time, Fox's younger brother Maurice, the intellectual of the family, who supposedly attended Columbia University Law School, began to experience symptoms of a mental breakdown. The situation may have gotten out of hand while Fox was abroad earlier in the year, and their parents, with whom twenty-two-year-old Maurice lived at the Hotel Theresa, may not have been able to handle it. If he earned a degree, Maurice would never practice law. Instead, Fox took him into Fox Film in a low-level clerical job, where he was insulated from the stresses of the outside world. Fox's mother's health was also declining. The medicine in the little brown bottles on Anna's bedside table didn't work. Fox called in stomach cancer specialists. They had no answers.

Or perhaps it really was Fox who needed attention. At some point, he began taking time off twice a year to rest at a sanatorium. For all his show of confidence and strength, the truth was that Fox Film was threatened with oblivion by broad forces over which he had no control.

A Visit from Royalty

At forty, Fox had too much success behind him and too many

years ahead to abandon his ambitions. Rallying, he staged an event to show the world who, despite his sinking circumstances, he really was. In the summer of 1919, as soon as the twenty-five-year-old Prince of Wales, Edward Albert, announced plans to make his first visit to North America, Fox had his London office request a spot on the royal schedule. It was quite an act of nerve. The handsome blond prince, heir to the British throne, was the most famous social celebrity of the day, and many people far more conventionally respectable than Fox were clamoring for a portion of his time.

The pretext of Fox's invitation to the prince was flimsy. On October 12, 1860, the prince's late grandfather Edward VII, then the Prince of Wales, had attended an opera performance at the Academy of Music. Wouldn't the current prince like to stop by the Academy to see how much progress American entertainment had made in nearly fifty years? Then again, everyone knew it was only a pretext. The facts were too awkward to be stated bluntly. Fox Film did a lot of business in Britain, employed a lot of people, bought a lot of supplies, and promptly paid all its bills. Britain was trying to get back up on its feet after the war.

Yes, of course, the prince would be glad to stop by on his second day in New York. The date was set for the afternoon of Wednesday, November 19, 1919.

For months, Fox prepared. Ordering the Academy stripped of

many of its modern furnishings, he had the lobby redecorated with old-fashioned dove-gray wallpaper with images of birds and installed large oil paintings of the prince; his father, King George V; and his grandfather. Fox Film staff members located the highbacked, canopied chair the prince's grandfather had sat in-maybe it was the same chair; "I didn't guarantee it," Fox hedged—and had it reupholstered in purple plush. To help greet the prince, he recruited fifteen young society women, who agreed to wear 1860style costumes of crinolines, bustles, pantalettes, and bonnets, and he arranged for a U.S. Marines honor guard to present arms and the U.S. Navy Recruiting Band to play "God Save the King." Some 2,200 formal invitations went out, not only to all the people who were supposed to matter in New York, but also to about eighteen oldtimers who had attended the 1860 event-no small effort it had taken to find them-and a group of war heroes. For several days royal visit, Fox was briefed on protocol by the representatives of the prince's reception committee.

When November 19 arrived, complete with biting winds that blew sand onto the city streets, Fox was ready. Outfitted in a morning coat and top hat, and surrounded by a profusion of floral bouquets and potted plants, he waited for his big moment in the Academy of Music lobby. Punctually at 2:15 p.m., the prince came bounding up the steps of the Irving Place entrance.

Fox was supposed to welcome the prince with a courtly bow, gently place his hand in the royal hand, and address his guest as "Your Highness." Nonsense. Fox's young guest, with his boyish friendliness and winning smile, "looked like the average sort of chap"—albeit a very elegant one, wearing a double-breasted gray overcoat, gray tweed sack suit, and black derby hat and carrying a light cane. "Prince, I am happy to meet you," Fox said, grasping the young man's outstretched hand with a firm shake.

They got along famously. Although the prince's schedule had allotted only fifteen minutes for the visit, he stayed an hour, and although Fox was supposed to leave after escorting him to the royal box, the prince insisted that Fox stay and keep him company. As for that large, supposed grandfather's chair—well, no. Tossing off his

overcoat, the prince sat down in it for a moment, then sprang up, shook his head, and asked for one of the modern gold chairs that everyone else had. Seated side by side with Fox, he laughed loudly and chatted with his host throughout the program.

The prince had asked for comedy, and comedy he got. A series of short films began with the Mutt and Jeff cartoon, *Sound Your A*, with the orchestra playing lively jazz music. Then came the two-reel Sunshine Comedy *The Yellow Dog Catcher*, in which all the parts, about fifty of them, were played by dogs. What were the names of the dogs? the prince asked. "As I didn't know them any more than he did," Fox recalled, "I would make up the names until I ran out of them."

Concluding the program was a Fox News segment about the prince's arrival in New York the previous day. At the sight of himself on-screen, the prince "fidgeted uncomfortably." All the more to his credit, Fox decided. "He was just as human as any ordinary boy that came from one of our American families. He had no airs, but was just a simple, fine lad."

It wasn't merely Fox's perception that the visit had gone well. The *Philadelphia Evening Public Ledger* reported that of all the prince's activities that day—which included trips to the New York Stock Exchange, the top of the fifty-four-story Woolworth Building, a horse show at Madison Square Garden, and a high-society ball in his honor—"the hit of the day for him was the 'movies.'"

For Fox, the event was all expense and no income. That didn't matter. Only the result did. Royalty had sat next to him, treated him like a friend, enjoyed his work, hadn't wanted to leave. It seemed clear. He belonged at the top.

Eclipse

I know of no condition in life that is hopeless.

---WILLIAM FOX, 1921

In the spring of 1921, Fox appeared to have made a comeback. He had three movies playing at big theaters on Broadway, charging elite ticket prices of up to two dollars. At the Broadhurst, on Forty-Fourth Street, was *Over the Hill*, a sentimental family drama about a long-suffering, saintly mother whose children have abandoned her to the poorhouse. "Wonderful it was—brought tears and rapture—kept first-night spectators in their seats after final curtain applauding," reported the *New York Tribune*. Two blocks over, on Forty-Second Street, the Selwyn was showing Fox's *A Connecticut Yankee in King Arthur's Court*, which updated Mark Twain's 1889 satirical novel to modern times. *Life* magazine called it "undeniably laughable," and crowds had lined up from the start.

At the huge Lyric Theatre, on Forty-Second Street, *The Queen of Sheba* recalled the extravagance of *Cleopatra*, with a cast of more than ten thousand and beautiful, dark-haired, barely clad Betty Blythe in the title role. Decorating the lobby were twenty-four large bronze lions from the set of Sheba's palace. During the premiere, D. W. Griffith stared "with smoldering eyes" at the centerpiece scene (shot by director J. Gordon Edwards with cameras on revolving pillars) of horse-drawn chariots racing abreast around a 150-foot-

wide oval track. *The Queen of Sheba*, Fox declared, represented the culminating triumph of his career.

A cavalcade of other extravaganzas was supposed to follow. In late spring, Fox announced, the studio would begin filming a series of epics in Europe: *Nero* and a biography of Francesca da Rimini (a real-life Italian aristocrat whom Dante portrayed in his *Divine Comedy*) in Italy; *Joseph and His Brethren* in Egypt; a life of Alexander the Great in Greece; and *Mary, Queen of Scots* in England and Scotland. A few months later, launching the 1921–1922 season, Fox Film planned to roll out twelve "special super features," each with a Broadway premiere followed by specially selected long-run bookings at first-run theaters in large cities.

At Fox Film's new Manhattan studio at 850 Tenth Avenue, which officially opened on May 24, 1920, ten different features might be filming at once. To accommodate more activity, Fox had leased a new four-story building a block away, on Fifty-Fourth Street near Tenth Avenue. Fox News, as it continually added staff around the world, made headlines itself in 1920 when it shot the first-known film footage of V. I. Lenin, who appeared genial and laughed frequently at his own jokes.

In the realm of exhibition, Fox also displayed renewed vitality. To overcome his biggest obstacle, lack of access to first-run theaters, in January 1920 he announced plans to build a nationwide chain of large, elaborate theaters. The first would be a \$1 million, 3,500-seat, Italian Renaissance–style theater in Springfield, Massachusetts. He was also rumored to be merging his vaudeville enterprises with the Shubert circuit, possibly to show movies there, and with himself in charge. He even tried to become a boxing promoter, bidding \$550,000 in early 1920 for the right to present a match between world heavyweight champion Jack Dempsey and European champion Georges Carpentier. Although nothing came of the latter two ventures—the Shuberts already had ties to Goldwyn Pictures, and the Carpentier-Dempsey match went instead to seasoned boxing promoter Tex Rickard—all the activity signaled that Fox was still a force to be reckoned with.

Observing Fox's apparent resurgence, even competitors cheered.

In August 1920, Associated Producers Inc., an organization of leading independent producers and directors,* took out a full-page ad in *Wid's Daily* headlined "Congratulations to William Fox." Acknowledging that they competed with Fox "at a thousand points or more" and that they disagreed with him about many issues, the independents praised Fox as "the first great independent producer and distributor" and applauded him for using his "gigantic imagination" rather than Wall Street money. In an astonishing gesture of support, the group announced that its one hundred sales agents were encouraging exhibitors to book Fox movies in addition to their own.

Buoyant appearances belied the truth. In fact, all three of Fox's supposed hits at the Broadway theaters in the spring of 1921 were nearly drowning financially, overwhelmed by expenses and faced with grim prospects for national rollout. In fact, that nationwide chain of Fox theaters was yet a distant vision. It would take time and money to build them: large, centrally located plots of land would have to be acquired, plans drawn up, permits acquired, and financing arranged. In fact, Fox News was still losing money.

Altogether, the 1920s were off to a terrible start for Fox.

"Life is what you make it. I know of no condition in life that is hopeless," Fox told syndicated columnist O. O. McIntyre in 1921. "To me, our existence is a great adventure. We have only need of hope and courage."

Optimism was by now less a spontaneous emotional response for Fox than a deliberate choice. He had learned how forcefully the world could oppose his plans and buffet him to the brink of failure. Yet, gloom was pointless. Instead of giving up, he set about redeeming his three troubled bellwether movies, and with them his future.

Fox was particularly anxious to save *Over the Hill*, his most personal movie to date. He had discovered the story at a poetry reading when he heard an actor recite Will Carleton's maudlin 1872 poem "Over the Hill to the Poor House," about a young man who,

drunk on whiskey, steals a horse and gets sent to jail, but reforms because of his mother's tearful prayers. The "black sheep" son then goes west, makes a fortune, and returns to rescue his mother after learning that his five siblings have abandoned her to the poorhouse. The theme of generational obligation resonated deeply with Fox. As much as he shared the hero's veneration of his mother, he also understood the other children's desire to live independent lives. Although he continued to support them, his Hungarian immigrant parents had receded to the periphery of his life. He had hoped his wealth could remake them into Americans, but it could only make them look, not think or act, like Americans. More or less bemusedly, each had gone along with the charade: Michael Fox dressing up like a dapper society gentleman and with his name listed as an officer of several small Fox Film subsidiaries, but doing no useful work at all; Anna Fox, in her silks and lace and pearls, inviting neighborhood ladies over for morning coffee and chattering away with them in Yiddish. In mind and heart, both still belonged to the old country. They were, to their eldest son, often an embarrassment.

Over the Hill thus offered Fox a chance to assuage his filial guilt while exploiting a problem that seemed to lie at the profitable center of modern life. Assigning capable but malleable director Harry Millarde (who'd had the doomed task of trying to make June Caprice into a star and whom he would marry in 1923), Fox took over the production and made it, as he told cinematographer Joseph Ruttenberg, the story of his own life. The poem's whiskey-drinking horse thief thus became a high-spirited and fun-loving young man who must sacrifice himself to compensate for his father's shiftlessness. Once again, Fox couldn't resist the chance to punish Michael Fox on-screen. Now it was the father who had stolen a team of horses, with the son taking the blame to avoid disgracing the entire family. In an early scene, the cowardly father watches silently in the courtroom as the young man is convicted and sentenced to three years in prison.

For the key role of the forsaken mother, Fox chose matronly, gray-haired Mary Carr and dressed her up to resemble Anna Fox.

Fox claimed that he picked Carr out of "a small army of stage mothers" and that for her performance, he "dictated every pose, every move she made." In fact, Carr was already an accomplished stage actress and minor film star, having played the title role in Famous Players—Lasky's *Mrs. Wiggs of the Cabbage Patch* (1919). The actress, however, went along with the ruse, pretending that she had sidelined her professional ambitions to care for her six children. "Domesticity takes precedence over career," she said. "Besides, what career can compare with that of motherhood?" Conveniently, four of her children also got parts in *Over the Hill*.

Remarkably, director Millarde never saw a completed script. Instead, every morning, Fox told him what he wanted from that day's work but never explained the overall plot or the themes. In the summer of 1920, after about two-and-a-half months of filming, Fox whisked the movie away from Millarde, began editing, and called Millarde back now and then for more retakes and shot inserts. Millarde got the credit, but it was really Fox who, from his office at the Tenth Avenue headquarters, had directed the movie.

With so much of himself invested, *Over the Hill* had to become a hit. For the first night's showing, at Broadway's Astor Theatre on September 17, 1920, Fox offered free admission and, afterward, stood in the lobby scanning the faces of departing patrons. "One of the last persons to come out was a man whom I wouldn't want to meet on a dark night alone," Fox recalled. "He had the hardest face of any man I had ever seen. He was lighting his pipe and I asked to have a light from his pipe for my cigar."

What did he think of the picture? Fox asked.

"I liked it very much, lad," the man replied with a Scottish accent and then went on to explain that after running away from home at age ten, he had spent forty years at sea, never sending any word back to his mother. "Ah, but tomorrow I buy me a ticket to go home to Scotland—I am going to see my mother again . . . I am going home to Scotland and if she be dead, I am going to kneel at her grave and ask her to forgive me."

All well and good with that segment of the audience: the balcony seats, which cost as little as twenty-five cents, filled up

regularly. However, during *Over the Hill*'s first week at the Astor, the box office sold fewer than three hundred of the higher-priced, orchestra tickets. Fox called in leading show business publicist Harry Reichenbach, a white-haired, slouching, amiably outgoing figure in his late thirties who specialized in sensational publicity stunts, which he called "wish news," or "news so thrilling, melodramatic and heart-gripping that every city editor wishes it were true." A decade before, Reichenbach had worked for Fox promoting plays at the Academy of Music, but quit after Fox refused to raise his weekly salary from \$50 to \$75. According to Reichenbach, he vowed never to work for Fox again for less than \$1,000 a week. "I don't want you back till you're worth that much," Fox replied. "And if you're worth it, I'll be glad to pay it!"

Perhaps that story was true, perhaps not. It was difficult to tell with Reichenbach, who had opened his own public relations agency, staffed by him and "one bold, brash young woman," and who was staging ever-more-shameless publicity hoaxes. Just before signing on to Over the Hill, for instance, Reichenbach had promoted Numa Pictures' The Return of Tarzan by hiring an actor to check into the posh Hotel Belleclaire as "T. R. Zann," accompanied by a pet lion. Reichenbach was neither a shyster nor a dolt, just knowledgeably cynical about the media. As he told former *Cleopatra* publicist Edward L. Bernays, who wanted to make the profession more respectable, as long as newspapers themselves played fast and loose with the truth—ignoring shoplifting stories to protect advertisers and refusing to criticize corporations in which their owners owned stock—he would, too. Besides, did everything always have to be so serious? "I can't see what harm a good fake does to anybody," Reichenbach said. "And if there is a law against slipping misinformation to newspapers in New York, what's the matter with going over to New Jersey and doing it there?"

Perhaps at a salary of \$1,000 a week, perhaps not, Fox hired Reichenbach to promote *Over the Hill* for thirty-three weeks. The most successful stunt was a street spectacle where some two-dozen movie extras posed as well-to-do, husband-and-wife theatergoers. Pausing in a crowded place, each couple would debate, loudly,

whether to see some other show or *Over the Hill*, which the woman would insist was the best in town. "They could never reach a decision until a policeman broke through the crowd and pleaded, 'For God's sake, go some place and loosen up the traffic!' "recalled Reichenbach. "Then they went to the next corner and repeated the act." Sometimes, the extras went to a ticket broker and asked to buy a block of ten to sixteen seats together. When the ticket broker called the box office, the theater manager recognized the signal and apologized for not having that many tickets left. It was simple crowd psychology, but it worked. Everybody wanted what everybody else seemed to want. Soon, *Over the Hill* routinely filled even the orchestra seats.

Because Fox didn't control any Broadway theaters, and because a long Broadway engagement could significantly boost appeal to the national market, he "played a game of checkers" with *Over the Hill*, moving it five times to different Broadway theaters, wherever space was available, during the next few months. Audiences followed. Still, Fox kept losing money because of high theater rentals and promotional expenses. In early 1921, nearly four months after the premiere, he sent *Over the Hill* out to short-term bookings in four other test markets. A one-week run in Hartford, Connecticut, did well enough (with ticket sales of \$13,000), but engagements in Baltimore, New Haven, and Washington, DC, flopped.

Had he been wrong? Fox kept going back to the theater in New York, kept hearing the gasps of emotion, kept seeing the tear-stained faces. *Over the Hill*, he decided, simply needed time to build an audience. He kept the movie on Broadway and continued to pay high theater rental fees and high advertising costs. He talked about the movie whenever he could; he personally signed many of the newspaper ads. He still lost money.

Finally, in the summer of 1921, the tide turned. Approaching its first anniversary of continuous run on Broadway with crowds still lining up, *Over the Hill* had an impressive track record, and other New York exhibitors wanted in. Although Fox needed the money, he insisted on unprecedented terms that rankled many of his colleagues. Rather than the standard arrangement of renting the

movie per day or per week, he required exhibitors to pay a large, one-time fee for the right to show *Over the Hill* indefinitely—for one day or two years or, theoretically, forevermore. The longer that theater owners kept the movie playing, the higher their profit percentage would be. In effect, they had to believe in the movie as much as he did. It was a dicey deal, one that piled all the risk up front, and many exhibitors balked.

As if those terms weren't difficult enough to accept, Fox also violated the usual gentleman's agreement of confidentiality between buyer and seller. After the first group of New York exhibitors submitted bids for *Over the Hill*, he showed the numbers to rival theater owners to boost the price. The powerful Theater Owners' Chamber of Commerce unanimously condemned his action as "inequitable, unfair and unjust." Fox didn't care. No one had to book the movie if they didn't want to. But they did. In Manhattan, the 600-seat Jewel Theatre, on 116th Street, agreed to pay \$6,000, while both the 500-seat Majestic, on Second Avenue, and the 1,600-seat Halsey, in Brooklyn, took the movie for \$5,000.

That fall, Over the Hill went into nationwide release. Having cost \$100,000, it grossed more than \$3 million. Everywhere, audiences left the theater sobbing, among them many young people. Interviewed several years later by sociologist Herbert Blumer for his book Movies and Conduct, an eighteen-year-old high school senior admitted that Over the Hill was the only movie he'd ever seen that had made him cry: "This picture would make anybody cry, even if you are a brute who can't cry or an easy going chap who cries at almost nothing." A twenty-year-old female college sophomore added, "I had two handkerchiefs drying on my lap, while I used the third." According to Fox, two years after the movie's release, a U.S. government survey showed that 30.5 percent of residents of old folks' homes had been reclaimed by relatives and friends. Fox would always remain as proud of Over the Hill as of any other movie, not only for its commercial success and social impact but also because of the studio's untiring efforts to promote it. He later commented, "We sweated blood for those tears."

If Over the Hill mined Fox's emotional history, A Connecticut Yankee arose from his desire to bolster his public standing. It was embarrassing how quickly everyone had forgotten his artistic triumphs. "Tell me," remarked one of the Bloomingdales—Fox couldn't remember which one—when he and Fox sat next to each other at a dinner event in 1919, that year of When Men Desire, The Love That Dares, The Forbidden Room, and The Man Hunter. "Why don't you some time produce a good picture and not always a bad one? You make the worst pictures of any company I know."

"It's not as if we aren't trying," Fox replied. At Bloomingdale's suggestion, the next morning Fox joined the bidding for the movie rights to Mark Twain's *A Connecticut Yankee in King Arthur's Court* and kept at it till he won. Although the film version changed Twain's main character from a nineteenth-century arms factory superintendent to a modern milquetoast millionaire, and although Fox Film staff writer Ralph Spence rewrote the intertitle cards after verbatim quotes from Twain drew no laughs, somehow it all worked. Opening on March 14, 1921, at the Selwyn, the movie did strong business of nearly \$10,000 during its first week, and ticket sales rose steadily during the next two weeks.

Then tragedy struck. On the Friday night of Easter weekend, the two teenage children of Hartford, Connecticut, physician Thomas N. Hepburn went to see A Connecticut Yankee at the Selwyn. Early on Sunday morning, April 3, at the Manhattan home of the family friends with whom they were staying, fifteen-year-old Thomas Hepburn used strips of cloth to hang himself from a ceiling beam in a corner of his room. His thirteen-year-old sister, future actress Katharine, found him and, hoping he might still be alive, lifted his body and held him clear of the floor until a doctor arrived. Their distraught father first suspected murder, then sudden "adolescent insanity," then finally decided that his eldest son, "a normal healthy boy," had been induced by a death scene in A Connecticut Yankee to try to fake suicide to amuse his sister. With newspapers reporting the incident in detail, the movie lost its humorous appeal. Boxoffice receipts plummeted by 25 percent in the week after the boy's death, and fell further the next week.

Simultaneously, Fox's third offering on Broadway in the spring of 1921, *The Queen of Sheba*, suffered from the handicap of not being a particularly good movie. The characterization was muddy, the story meandering, and worst of all, Betty Blythe lacked the fire and cultural resonance of Theda Bara, whom she was clearly meant to recall, while demonstrating just as little acting range. According to *Life* magazine critic Robert E. Sherwood, Blythe "starts out with a querulous expression on her countenance, and holds it with bulldog tenacity throughout the entire performance."

While not as personally attached to these movies as he was to Over the Hill, Fox pushed them just as aggressively. He kept A Connecticut Yankee and The Queen of Sheba on Broadway for months, even though they devoured thousands of dollars every week in exhibition expenses and daily newspaper advertising fees. By the summer of 1921, he had spent about \$200,000 on all three movies in New York. Some competitors protested that he was just bluffing, that these movies weren't worth the big buildup. Fox proved those claims wrong a few months later, when he sent them into wide release. Playing in some cities for up to \$3, the same ticket price as a stage play, Sheba earned \$1.1 million and became Fox's second-highest-grossing movie of the year after Over the Hill. A Connecticut Yankee also turned a handsome profit. Carl Sandburg, then a critic for the Chicago Daily News, described Fox as "one of the canny guessers in moviedom on what the public wants next." What modern audiences wanted, Fox understood, was not simply entertainment, but also the strong testimony of faith implicit in large-scale advertising and promotion. In a time of disintegrating shared values, it was something, at least, to be able to believe in someone else's belief.

Energy and inventiveness, however, could not overcome broad economic forces. At the outset of the new decade, a severe postwar recession hit. Following the Armistice in November 1918, the United States had continued to sell merchandise to war-ravaged European countries on credit. That kept prices high and factories

humming—but unfortunately, many buying nations had neither money nor goods to send to satisfy their debts. In early 1921, with foreign countries owing the United States more than \$12 billion, the bottom dropped out. U.S. manufacturers stopped issuing meaningless credit, and by 1922, exports had tumbled to less than half their 1920 level. During those two years, the United States spiraled into deflation, with wholesale prices falling a staggering 36.8 percent. Jobs disappeared, wages declined, and fear froze consumer spending.

At the same time, competition intensified for entertainment dollars. Radio, introduced in 1920, was poised to divert a significant amount of movie industry revenue because it offered the convenience of in-home amusement and because it required only the one-time expense of buying a set rather than a continual outlay at the box office. By 1922, some three million American homes had a radio.

Furthermore, European movie producers were mobilizing for a comeback. Germany seemed particularly threatening: as of 1920, some 100 German production companies were turning out a total of fifteen movies weekly-more than the U.S. output. These were not all ragtag efforts. Robert Wiene's modernist masterpiece, The Cabinet of Dr. Caligari (1920), imported to the United States in 1921 by Goldwyn Pictures, stunned viewers with its highly stylized scenery full of jagged edges, bending walls, and objects askew. While the bizarreness of Dr. Caligari kept it mostly in art houses, two other German movies—Ernst Lubitsch's Passion, originally titled Madame DuBarry; and Deception, formerly Anna Boleyn-filled the cash drawers at big U.S. theaters. German imports were especially appealing because they were cheap. With production costs onefourth to one-fifth those of American movies, in part because of German government subsidies, U.S. distributors found many seeming bargains. In early 1921, after a group led by First National bought more than 50 German movies and Famous Players-Lasky contracted to import 129, many feared that a flood of foreign product would devastate U.S. production.

Never a calm lot under any conditions, American studio heads

panicked. Had they overbuilt to an unsustainable level? During the mid- to late 1910s, they had invested in a huge infrastructure, with acres of facilities, large payrolls that were top-heavy with star salaries, and immense overhead costs. Amid this triad of cheerless conditions—economic recession, the growing popularity of radio, and the threat of renewed foreign competition—it seemed unlikely that the public would continue to buy tickets at the pace necessary to support the industry's financial burden. By the summer of 1921, about 25 percent of the nation's movie theaters had closed, and those that remained open were demanding that producers charge lower movie rental fees. In early 1922, distributors reported a 50 percent decline in gross revenue compared to 1919 and 1920. Studios shut down intermittently, began layoffs, and suffered labor strikes when they tried to cut wages while lengthening the workday.

There was one clear way out: to take Wall Street money. That path had been lit by the shining example of Famous Players–Lasky, which had accepted \$10 million from Kuhn, Loeb & Co. in 1919 and now ranked as both the world's largest movie studio and the world's largest exhibitor, owning more than four hundred theaters in the United States and Canada and controlling thousands more through partnerships and affiliations. By 1921, according to the Federal Trade Commission, about sixty-seven cents of every dollar spent at the box office went to FPL.

Zukor's magic formula was to slash moviemaking's burgeoning economic risk by buying theaters to ensure ample bookings. Never mind the ruthlessness of his tactics. Called "the Wrecking Crew" and "the Dynamite Gang," his representatives would storm into a town and threaten either to buy or build a rival theater near the one they wanted, or else to cut off film service unless the targeted exhibitor sold his property to them. Who couldn't guess the outcome of a battle against Zukor? A Federal Trade Commission report noted, "They bought them so fast it was hard to tell when they bought the next theater." Sometimes Zukor didn't actually want to own the theater, just to book all his movies into it. According to the trade journal *Harrison's Reports*, "With blueprints

under the one arm and crushing prices under the other, a Famous Players—Lasky representative would walk up to an exhibitor and ask him to choose between the two." Those who resisted might find themselves harassed after FPL took out large newspaper ads encouraging movie patrons to buttonhole the theater owner on the street and ask him why he was refusing to show FPL's wonderful movies. Such activities led the Federal Trade Commission to file an antitrust lawsuit against FPL in August 1921, alleging a conspiracy to monopolize the U.S. motion picture industry. However, neither that nor a series of scandals—the three sensational trials of FPL star Roscoe "Fatty" Arbuckle for the rape and murder of actress Virginia Rappe, the unsolved murder of FPL's chief director William Desmond Taylor, and the suicide of FPL screenwriter Zelda Crosby (reportedly after being jilted by a high-ranking studio executive)—nothing could knock the mighty ship off course.

Wall Street was eager to help other movie producers adopt Zukor's so-called chain store model of product marketing. Financiers looked beyond the present storms and saw an industry that was still fundamentally strong. Every week, thirty-five million Americans (one in three) went to the movies, making the pastime more popular than baseball, and nationwide, annual box office revenues totaled nearly \$1.5 billion. Even the worrisome business indicators were misleading. If the rental fees that exhibitors paid to studios were declining, to some extent that was the result not of reduced demand but of collective bargaining by exhibitors. If some film companies were going out of business, that fact, in the eyes of the financial community, represented a shake-out of weak organizations. As for foreign competition, of the four hundred European movies bought by American producers and distributors at the start of the decade, fewer than a dozen were actually released and most of those lost money.

Money "is going to wholly rule" the motion picture industry, *Variety* predicted in January 1920. Wall Street's rulers "want pictures and they have got some of them. They want more and will get those before they are through."

Fox Film was a prime candidate for investment. The studio had

been in business about as long as most and had, if not necessarily a lot of present luster, then at least a brilliant past. Moreover, Fox had always managed money extremely well. Bolstered by *Over the Hill*, Fox Film profits for 1920 reached a record high of \$2 million and would continue in that region for the next few years. Certainly the New Jersey financiers who had provided \$400,000 to start Fox Film in 1915 were happy. In June 1919, Fox had retired the preferred stock, paying back all of the initial investment, plus 8 percent interest. Control of the company had then shifted to 100,000 shares of common stock—owned equally by the investors and by Fox—which paid annual dividends of \$4 per share. Thus, since 1919, the original investors had been reaping pure windfall profits.

A massive cash infusion from Wall Street could have jolted Fox back into the forefront of the industry and multiplied his earnings by speeding up his acquisition of a nationwide chain of first-run theaters. At the outset of the 1920s, he had only about thirty-five or forty theaters, most of them in the New York metropolitan area and most of them smaller and older. That was the reason he couldn't make many ambitious, expensive movies. He had nowhere to show them.

He wasn't tempted. He would not sacrifice the independence that had always been at the center of his proud, striving nature. He now had absolute power at Fox Film. Shortly after the company's formation in 1915, a relative of one of the New Jersey investors had sold him ten shares of stock, giving him majority ownership.* Although Fox hadn't told the other investors about the purchase and instead always managed to achieve unanimous decisions by his board of directors, he nevertheless knew that, if necessary, he could overrule them. Were Fox to accept a major outside investment, he would have to cede control to outsiders who, above all, would want a large, fast return on their money. He well knew where that might lead. As the former chairman of FPL's finance committee would explain in 1923, "You know what they do with the corporations in Wall Street that do not pay dividends. They take them out and place them up against the wall and that is the end of them."

If Fox had any doubt about that advice, he had only to look to

the case of his friend Sam Goldwyn. In 1919, Goldwyn had aligned himself with wealthy, urbane international entrepreneur Frank Godsol, who negotiated a multimillion-dollar investment in Goldwyn Pictures from the du Pont family. With two du Ponts and a host of their bankers joining his board of directors, Goldwyn began buying theaters and renovating his studio's facilities in Culver City. Godsol—who during the war was charged with taking \$1.6 million in illegal kickbacks from U.S. automobile manufacturers on the sale of cars and trucks to the French army* and who later prompted the suicide of his brother, a well-regarded home builder, by refusing to help him avoid bankruptcy—promptly betrayed Goldwyn. In September 1920, Godsol aligned the board of directors against Goldwyn and forced him to resign as president. Goldwyn regained the position about two months later by bringing in new money from the Harriman National Bank. In March 1922, Godsol got Goldwyn kicked out again, this time for good. Taking over as president, Godsol drove Goldwyn Pictures into the ground. By 1923, the company was in such distress that Godsol offered to give it away to the Warner brothers if they assumed its debts. The Warners refused.

Fox couldn't take the chance of winding up with a Frank Godsol type. Just as Fox Film was William Fox, so William Fox would be nothing without Fox Film. He would have to find another way to restore his studio's position and prestige.

For years, Fox couldn't find any pathway back into the industry's top tier.

His plan to make spectacular movies overseas initially seemed like a good idea. In postwar Europe, studio space rented cheaply, materials were inexpensive, and performers and crew members would work for next to nothing. The first attempt, *Nero* (1922), was a fiasco. Fox had intended to help the recovering Italian economy by taking a five-month lease on the two-hundred-acre property of the Ultra studios in Rome, using local laborers to build sets, and casting only one American, the ingénue Violet Mersereau, in a principal role. Italy liked the money, but little else. The Italian press

greeted Nero with hostile articles insisting that American studios ought to leave Italian history to the Italians. Riots broke out among angry workmen who didn't get hired by the supposedly rich Americans. When director J. Gordon Edwards applied permission to film in the Coliseum and at other historic sites, the government ensnared him in red tape before finally granting permission. Also, as had been the case years earlier with A Daughter of the Gods in Jamaica, crowds that worked cheaply displayed a low level of commitment. For a Circus Maximus scene of Christians being thrown to the lions, Edwards offered five lire a day to ten thousand extras. They showed up—but it was a sunny day, and many were wearing straw hats, which they refused to take off even though there had been no straw hats in Nero's time. Abraham Carlos, who had been reassigned from Fox Film's Paris office to help with logistics, offered an extra five lire for each hat checked. A new hat cost less than five lire, so thousands took the deal. When noon came, though, most decided they'd made enough money for the day and left to go spend their earnings.

Edwards later commented, "Anyone who tries to make pictures in Italy must console himself to their methods. It takes three Italians to do what one American can do."

Edwards finished *Nero* more or less on time, but the footage he sent back to New York was so discombobulated that Fox ordered additional scenes shot in the United States, and the studio's editors had to spend several months putting it all together. The story thus deteriorated into standard Fox Film melodrama, with the dissolute Roman emperor portrayed as the victim of both societal pressures and an overbearing mother, who won't let him pursue either his longed-for singing career or the beautiful ex-slave he loves. Although some critics were kind, praising *Nero* as "gorgeous, brilliant, and thrilling," the public turned a cold shoulder. *Film Daily* mused, "But who made any money out of *Nero*? Fox didn't—that's a bet. Exhibitors didn't. That's a certainty." Fox himself hated the movie.

Immediately after *Nero* finished filming, Fox had sent Edwards and Carlos on to Palestine and Egypt to film *The Shepherd King*,

about the life of King David. (The project appears to have been a substitution for *Joseph and His Brethren*, which Fox abandoned.) It was a heartless assignment for fifty-four-year-old Edwards. Exhausted from more than seven years of continual work directing some of Fox Film's biggest movies, he was welcome there no more than he had been in Europe, and Egyptian authorities harassed him into hiring an entire military regiment as extras.

Again, Edwards's footage was heavily edited at Fox Film headquarters, resulting in a stultifying movie that divided its screen time about equally between action sequences and title cards with biblical quotations. At the premiere of *The Shepherd King* at Broadway's Central Theatre in December 1923, the audience applauded when Edwards's name appeared during the opening credits and then remained ominously silent for the rest of the show. An exhibitor who booked the movie for his small-town Southern theater described it as "another example of Fox's unmitigated nerve."

Even England was a disappointment. Fox hoped not only for savings but also for visual authenticity when he sent a crew there to film an adaptation of Arthur Stuart-Menteth Hutchinson's bestselling novel, If Winter Comes, about an English upper-class war veteran who loses his wife and social status after the young, unwed mother he takes in commits suicide. Cinematographer Joseph Ruttenberg recalled, "So we got to Europe. We tried to get ahold of Hutchinson for days. He'd call up and say he can't make it. So, finally he came to the hotel ... little bit of a guy ... and he says, 'Well, I'm awfully sorry. I've never seen these places. I just imagined them.' And we went all the way to England to get them. So we photographed as much as we could in England. We went to Canterbury, other places, to do as much as we could." Then the production returned to New York and sets were built of the locations Hutchinson had invented. Fox was so unhappy with the end result that he cut twelve hundred feet from the movie, angering director Harry Millarde so much that he nearly resigned from the studio.

After those failures, Fox canceled further European production.

Alexander the Great and Francesca da Rimini were forgotten, and *Mary, Queen of Scots* began, but was never finished.

He tried buying ready-made European movies. *Monna Vanna* looked promising. Filmed in Germany, based on a play by Maurice Maeterlinck, and directed by the well-regarded Richard Eichberg, the story told of a virtuous woman in fifteenth-century Pisa who can save her city from attack if she spends the night with the commander of the enemy Florentine army. The U.S. distribution rights were cheap: Fox probably paid no more than \$3,000 or \$4,000.

"A big, foreign-produced cheese in 9 slices," complained a midwestern theater owner. "Just a few big sets and a lot of people running around with no place to go, and nothing to do after they get there."

Within the United States, Fox tried to develop new stars, but his heart wasn't in it. Either he hired the wrong sort of actors—William Russell, Shirley Mason, Louise Lovely, and Eileen Percy were all competent performers, but they lacked screen magic—or he chose the right sort but didn't know what do with them. His greatest lost opportunity was John Gilbert, the movies' future "great lover," whom Fox signed in 1921 to a three-year contract. Then twentyfour, Gilbert was an up-and-coming actor with no defined screen persona. Fox tried to turn him into a new William Farnum by casting him as Edmond Dantes in Monte Cristo (1922), a part Farnum had lobbied Fox to give to him. But John Gilbert was not William Farnum. He didn't fit well into the image of the great man tormented by big moral issues, and one of Gilbert's greatest assets, his classic good looks, went largely to waste underneath scraggly beards, rags, and frenzied expressions. M-G-M made no such mistake when it hired Gilbert after his Fox contract expired in 1924. Cast as a romantic heartthrob opposite Greta Garbo, Norma Shearer, Lillian Gish, and Mae Murray, he would soon emerge as Rudolph Valentino's main rival.

Another miss was Bela Lugosi, who made his American film debut in Fox Film's *The Silent Command* (1923), as a foreign spy plotting to blow up the Panama Canal in order to cripple U.S.

military strength. Tall, slender, and exuding suave, sinister charm, Lugosi stole the show. Ironically, although *The Silent Command* borrowed a number of motifs from *A Fool There Was*—the power of sexual seduction, the husband's abandonment of his once-happy family, U.S. security at stake—Fox failed to recognize that just as the earlier movie had presented Theda Bara as the archetypal female vampire, here he had in front of him her ultimate male counterpart. Fox let Lugosi walk away, and in 1927, the actor fatefully accepted the starring role in a Broadway production of *Dracula*.

Stuck in the industry's lower echelon, Fox adopted a siege mentality of moviemaking. It was a lesson in humility. While FPL made Rudolph Valentino's *The Sheik* (1921), *The Ten Commandments* (1923), and *The Covered Wagon* (1923); while First National made Chaplin's *The Kid* (1921), and Jackie Coogan's *Oliver Twist* (1922); while United Artists made Douglas Fairbanks's *The Three Musketeers* (1921), and *Robin Hood* (1922); while Metro made *The Four Horsemen of the Apocalypse* (1921); and even Universal had Lon Chaney's *The Hunchback of Notre Dame* (1923), Fox Film slogged along with a release schedule full of inexpensive repeats, remakes, and reissues.

Lurid themes, of course, had always been Fox's stock in trade, and despite an increasing call for "clean pictures," he couldn't afford to abandon them. Flame of Youth (1920) showed an orgy at a Paris artist's studio; The Mother of His Children (1920) had a married sculptor tormented by desire for a beautiful "Oriental" princess (the decidedly non-Asian-looking Gladys Brockwell). Elsewhere were opium traders (Shame, 1921; The Devil Within, 1921), a mad prince plotting the violent takeover of the world (The Eleventh Hour, 1923) and salacious, irrelevant titles such as Daughters of the Night (1924), which referred to late-shift telephone operators.

Looking back to better days, Fox remade past hits. In 1922 he released a supposedly new, improved version of his first success, *A Fool There Was*, with an "intellectual vamp" (Estelle Taylor) who

tries to trap rather than destroy the man because she loves him. "A revarnished antique," sighed the *New York Sun*, "the siren can't come back any more than the average prize fighter can." *Dr. Rameau* (1915), about an atheist surgeon who regains faith after his prayers save his dying daughter, became *My Friend the Devil* (1922). *Samson* (1915) became *Shackles of Gold* (1922), again with William Farnum starring as a financial giant who ruins himself while seeking revenge against a romantic rival. *Perjury* (1921) reworked the plot and themes of *Les Miserables*. Fox even considered remaking his very first movie, the failed *Life's Shop Window*, but wisely decided not to. Other former hits he simply rereleased. In 1920, even though they were two to four years old, he sent out "The Big Six"—*Les Miserables*, *A Tale of Two Cities*, *Cleopatra*, *Salome*, *A Daughter of the Gods*, and *The Honor System*—and kept several in circulation as late as 1922.

With overblown publicity hustle, Fox tried to disguise his cheap merchandise. Still, exhibitors recognized instantly that a great many Fox movies had budgets far lower than the industry's average starting point of \$75,000. "Oh, for crying out loud!" a midwestern exhibitor complained about *No Mother to Guide Her* (1923), about a woman who escapes from an unhappy marriage. "Played by 'hams' on somebody's front lawn. If this picture cost Fox more than \$20,000, I will eat the 7,000 feet of film." A Goodland, Kansas, theater owner who booked Fox's crime melodrama *It Is the Law* (1924) described it as "the usual cheap hokum peddled by this producer, played by one of the 'all-star casts' who look like a lot of Hollywood extras that were either out of a job or never had one."

Now and then, Fox's former ambitions glimmered through the junk heap. *Monte Cristo* (1922), with the misused John Gilbert, at least testified to Fox's continuing reverence for great literature. So did *Dante's Inferno* (1924), which aimed to answer the literally burning question: What would hell look like? The movie began with a modern-day story of a mean, wealthy man who receives a copy of *The Inferno*, along with a curse from a needy neighbor whom he has refused to help. The old skinflint then deliriously imagines himself descending into hell. There he finds, according to one reviewer, an

"orgy of blood stained furies and boiling pitch, of bat-winged fiends and harpies and everlasting flames, and through it all the white, writhing figures of the damned 'blown like cranes upon a mighty wind." During its first week at New York's Central Theatre, the movie unexpectedly rang up a house record of \$17,600 in ticket sales. *Variety* observed, "No one can account for the business except that there is a wonderful flash of nude stuff in the lobby depicting the Inferno scenes." Beyond the big city, *Dante's Inferno* collapsed. "Bought this for two days, and they stayed away fine," reported one small-town exhibitor. Another said, "Several persons were seen sleeping throughout the entire picture."

At the studio, Fox imposed martial law. Crew members had to help with one another's jobs. Directors had to work regular business hours, from 9:00 a.m. till 4:30 or 5:00 p.m., or else risk getting fired. Night shoots were severely restricted; overtime was forbidden; and no more than ten extras could be used without special permission. Among featured players, Fox told Sol Wurtzel, he wanted only bargains: not the \$75-a-week actor for \$75, but the \$250-a-week actor for \$75.

Inevitably, morale broke down. The exodus of acting talent that started at Fox Film in the late 1910s continued. Madlaine Traverse, denied a two-week vacation after making fourteen movies in eighteen months, quit in April 1920. "Emotional actress" Gladys Brockwell, frustrated by the shallowness of her "fallen women" roles, left around the same time. A few months later, unhappy with his scripts and publicity, Raoul Walsh's actor brother George quit at the end of his four-year contract.

Even the stalwart William Farnum departed. Movie audiences were beginning to eye a new sort of dashing, debonair, urbane leading man typified by Rudolph Valentino, John Barrymore, Ramon Novarro, and Ronald Colman. Farnum shed 50 pounds from his bulky 250-pound frame, and Fox tried to remake the forty-four-year-old actor's image, casting him as a virtuoso violinist in *Heart Strings* (1920) and as the brilliant but troubled English stage actor Edmund Kean in *A Stage Romance* (1922). *Motion Picture News* commented, "Mr. Farnum struggles bravely with the material . . .

But he belongs in virile subjects of the Zane Grey pattern." The relationship wound down respectfully. When Farnum's \$10,000-a-week contract ended in 1922, Fox hired him for five movies at \$65,000 apiece. Once again, the actor returned to the two-fisted, blue-collar roles in which he had started at Fox Film, playing an honest sheriff fighting crooked politicians in a lumber town in Without Compromise (1922); an outsider fighting cattle rustlers in Brass Commandments (1923); and finally, as The Gunfighter (1923), "with bullets flying like hail." In decline, Farnum remained the gentleman Fox had always believed him to be. During location shooting in Victorville, California, on one of the actor's last movies for Fox, about thirty people got involved in a crap game with about \$10,000 or \$12,000 at stake. Crewmember R. L. "Lefty" Hough recalled, "Farnum ended up with all the dough," but "gave it all back to every guy who had lost."

In 1923, by mutual agreement, Fox didn't renew Farnum's contract. Officially, the actor was leaving to produce his own movies. It wasn't true; he never did. He would make only one more major-studio movie in the 1920s, *The Man Who Fights Alone* (1924), for Famous Players–Lasky.*

Fox now had only one bona fide star, Tom Mix. With his white hat, geranium-embroidered shirts, \$200 cowboy boots, and fearless stunt work,* Mix consistently put on a profitable show in low-budget Westerns that sold easily to neighborhood and small-town theaters. Yet, increasing fame had made him meaner, more egotistical, and more likely to head for the liquor cabinet. Lefty Hough said, "Mix was a kind of guy I would hate to tangle with. He would shoot you; he'd kill you." At home, Mix's wife, Victoria Forde, began carrying a small pearl-handled pistol for protection against his hot-tempered rages. Recognizing that Mix might at any moment blow up his own career, Fox kept him in the horse opera department, where, accompanied by his loyal sidekick, Tony the Wonder Horse, he turned out eight or nine features per year.

By 1924, Fox Film seemed stuck in the movie industry's second tier. Many believed that the studio was headed for oblivion. Often, *Washington Post* columnist Nelson B. Bell noted, "'inside stories'

would break as to the probable manner in which Fox would be kicked around by the rest of the boys until he might be absorbed, manipulated or annihilated."

Along with exhibition difficulties, there was another reason that Fox kept his head down during the early 1920s. The audience, American society, was changing. A tone of malice was seeping into public behavior, as if modern life and economic hardship had eroded many of the traditional restraints against incivility. Earlier, Fox had had to face the fact that not all individuals were as good as he wished. Now, a growing body of evidence indicated that in groups, too, his presumed "wonderful public" was not necessarily so.

The early 1920s saw a vigorous revival of the Ku Klux Klan. Formerly a mostly rural, mostly Southern, scattered affiliation of white supremacists intent on terrorizing former slaves, the KKK now emerged as a well-funded national organization with three million secret members nationwide and a broadened mandate to oppress not only African Americans but also Catholics and Jews under the rallying cry of "100 percent Americanism." Klan activity quickly reached as close as New Jersey, which had fifty working Klans by mid-1921, and Manhattan, where a local headquarters was set up at a house on Central Park West. In February 1923, Klan members set ablaze three wooden crosses, each more than fifteen feet high, on Long Island. One was in Lynbrook, only three miles from Fox's home in Woodmere.

Upstream intellectually, the pseudoscience of eugenics aimed to improve the human race through selective reproduction. Madison Grant's anti-immigration screed, *The Passing of the Great Race*, first published in 1916, was reissued to considerable acclaim in 1921 and 1923, and became one of the Aryan supremacy movement's foundational texts. Other influential books of the times included *The Rising Tide of Color*, written by Massachusetts lawyer and Harvard history PhD Lothrop Stoddard, who warned that intermarriage with "inferior races" would turn America's Nordic descendants into a worthless "walking chaos," and Kenneth Roberts's *Why Europe*

Leaves Home, which decried "the good-for-nothing mongrels of Central America and southeastern Europe."

Privately, Fox never embraced these racist currents of thought, but neither could he bring himself fully to resist them. After U.S. secretary of the interior Franklin K. Lane called on the movie industry to throw its weight behind the Americanization movement, Fox made—with the script pre-approved by Lane's office—the fearmongering melodrama *The Face at Your Window* (1920), about a Russian secret agent who incites rebellion at a U.S. factory. "'Keep your shirt on,' was not the slogan in making this picture," commented Carl Sandburg in his *Chicago Daily News* review. "This film produces enlightenment through a mental shake-up similar to the physical results that follow the imbibing of wood alcohol." No matter that only three years earlier Fox had infused a passionately pro-Russian Revolution message into Theda Bara's *The Rose of Blood.* That movie had reflected public opinion at the time. Now different political winds prevailed.

Fox had learned little since his racially divisive *The Nigger* in 1915. *The Face at Your Window* included scenes of white-robed night riders storming in on horseback to quash a riot of angry workers. Unsurprisingly, KKK imperial wizard William Joseph Simmons, who said he was looking for mainstream movies that promoted Klan values, seized upon *The Face at Your Window* as a recruiting tool. It mattered little to Simmons that the movie wasn't very good, with hazy, out-of-focus photography, horrible overacting, and long, sanctimonious titles. Everyone knew those white-sheeted men on horseback were Klan members, and they were the movie's heroes.

Around the country, Klan groups appropriated *The Face at Your Window*. In May 1921 a Columbia, South Carolina, theater advertised it as "The picture with a 1921 'Ku Klux Klan.'" Tennessee's King Kleagle urged fellow Klansmen to organize screenings to recruit new members, and in Atlanta the Klan distributed placards for *The Face at Your Window* with an endorsement by Simmons. The effect spread far beyond the South. In December 1921 the local Klan council in Portland, Oregon,

sponsored a showing of the movie at the municipal auditorium, promising that it would "tell the truth about the Ku Klux Klan." Also on the bill were the Klan-made feature *The Knights of the Ku Klux Klan Ride Again* and an "explanatory" lecture by a local Klan leader. More than a thousand people showed up. Well into 1922, *The Face at Your Window* traveled to Klan meetings around Oregon; concurrently, the Klan advanced its candidate for the Republican nomination for governor so aggressively that he would lose by only several hundred votes.

Ostensibly, Fox was stunned. "Our film The Face at Your Window does not deal with the Ku Klux Klan, and there was no intention at the time of the writing of the story or the production of the film to assist the Klan or to spread its teachings through the film," he wrote to the NAACP, which had questioned the studio's involvement with Klan propaganda. "This Company will not sanction the production of any films that attack or cause prejudice against any race or sect of people." To the contrary, Fox insisted, The Face at Your Window "was intended to depict the ever present danger of malcontents and traitors within this country" and to encourage American patriots to cast out such undesirables "socially, politically and if necessary, physically." But what about those night riders? According to Fox, they weren't Klan bigots but American Legion members who "have been quickly summoned to quell the disturbance and to establish law and order." Never mind that an 1871 federal law specifically prohibited "night riding" and defined it as a high crime of rebellion.

Actually, rather than being unaware of Klan-like images, Fox seemed to regard the group as more of a harmless curiosity than a social menace. Filmed shortly after the movie's release, a January 1921 Fox News segment showed a Klan initiation ceremony at "Camp No. 1" in the woods of Stone Mountain, Georgia, with Imperial Wizard Simmons presiding. While advance publicity for the segment, made with the Klan's permission, described the costumes as "outlandish," "terrifying," and "grotesque," it also accepted Simmons's reassurance that Klan members were merely "Avengers of the Wronged" defending American ideals. Perhaps Fox granted that possibility. However, even after the NAACP

complained to him in August 1921, and after he repudiated the Klan in his response, he allowed *The Face at Your Window* to remain in circulation for at least another eight months and to fall into the hands of Klan leaders. The most likely explanation is not that Fox didn't care or wasn't troubled, but rather that profits were so hard to come by.

Even as he distanced himself from the issue of racial prejudice, Fox could not ignore the rising tide of anti-Semitism. The 1920s would turn out to be one of the worst decades in American history for prejudice against Jews, and the motion picture industry, with its predominantly Jewish leadership, drew sharp attack. In January 1922, testifying before a Senate Judiciary subcommittee on censorship, Rev. William H. Chase of Christ Church, Brooklyn, named Fox as one of the "four or five Hebrews" who were "outraging the moral laws of the country" and plotting to control elections "from aldermen up to president." In the last of a three-part series "The Jews in America," published in February 1923 in the mainstream magazine The World's Work, the Yale-educated, Pulitzer Prize-winning writer Burton J. Hendrick denigrated motion pictures as "a business of the crassest sort" that was run by "ex-buttonholemakers, basters, and pressers, whose knowledge of the English language is very limited." Fox's photo ran as one of the article's illustrations.

Only narrowly did Fox avoid a targeted attack in the notorious "International Jew" series that ran in Henry Ford's weekly newspaper, the *Dearborn Independent*, between late May 1920 and mid-January 1922. Although he would later disavow anti-Semitism, Ford had been taken in by the spurious *Protocols of the Elders of Zion*, which claimed that a secret Jewish conspiracy aimed to destroy modern civilization and create a universal Jewish state. In early 1921, word got back to Fox that the *Dearborn Independent*, which all Ford dealers were required to carry, planned to run an article on him.

With the hyperrationality he could often summon in a crisis, Fox sent a mutual friend to Detroit with a business proposition. If Ford persisted with his plan to run the article on Fox, Fox News, which twice weekly sent its newsreels to theaters nationwide, would begin a series on automobile safety. Since most of the cars on the road were Fords, most accidents would involve Fords. Whenever there was a fatality, a Fox camera crew would promptly go to the scene to learn about the victim and his family and would then hire an expert mechanic to analyze the wreck for defective parts. "We will probably get one hundred of these accidents a week from now on, and I am going to take two of the best ones to appear in our newsreels, one on Monday and one on Thursday," Fox advised the go-between. "The first two or three weeks, I don't believe the people in our theaters will pay any attention to it. But after a few weeks, I just don't know how many people will want to ride in Ford cars."

No profile of Fox ever appeared in the *Dearborn Independent*. The newspaper did, however, run two articles in February 1921 about the movie industry. The second one, "Jewish Supremacy in the Motion Picture World," included two paragraphs about Fox and falsely accused him of having started his career by running a peep show "whose lure was lithographed lewdness." Fox let it go.

Although he had masked his emotions in handling Henry Ford, Fox's rage and sense of powerlessness about anti-Semitism exploded toward his most convenient target, West Coast studio manager Sol Wurtzel. While supervising production of *Oliver Twist, Jr.* (1921), which updated Dickens's novel to the twentieth century, Wurtzel made the mistake of assuming that Fox wanted a story fairly faithful to the original text. The movie therefore depicted a cruel, miserly, clearly Jewish Fagin recruiting children to a life of crime. Unfortunately, Wurtzel sent the rough cut to Fox just as the *Dearborn Independent* was running its two articles assailing Jews in the movie business. Watching the movie, Fox was horrified. As he wrote to brother-in-law Jack Leo, "it is hardly befitting that this Company should attempt to make or revive the hatred that Dickens's [sic] caused when he originally wrote *Oliver Twist*... to picture Fagan [sic] as a Jew encourages race hatred."

Rather than cancel the film's release, Fox had editors cut out seventy-five of Fagin's scenes. The movie now made no sense. "It is

Dickens' *Oliver Twist* with all the beauty and sympathy left out," *Variety* reported. "What's the use of spending money, time and energy for such a purpose?" Worse, the Jewish intellectual community, whose approval Fox keenly sought, sent an avalanche of protests to Fox Film. Within weeks, a humiliated Fox recalled every print of *Oliver Twist, Jr.* from circulation in the United States.

Ignoring the fact that he had approved the movie in the first place, Fox took no responsibility for the debacle. "You have heaped upon my shoulders an embarrassment that is inexplicable," he raged at Wurtzel. "You have permitted an insipid, narrow-minded, bigoted director [Millard Webb] to undo in a single picture all that I have striven to build up in the past ten years. An irreparable injury has been done both to myself and to the corporation."

Some months after the failure of Oliver Twist, Jr., Fox tried to reach across the religious divide. Announcing plans to film the Oberammergau Passion Play, depicting the life and death of Christ, he described the project as a purely philanthropic enterprise, for use by churches rather than commercial theaters, yet done on "the most lavish scale" and suffused with "an atmosphere of extreme reverence." Several Philadelphia ministers agreed to serve as advisers. Nonetheless, Dr. John Roach Straton, the firebrand pastor of New York's Calvary Baptist Church on Fifty-Seventh Street, wrote a public letter denouncing the project as "crass commercialism" motivated by "the lust for gain." Quoted extensively in the New York Times, Straton accused Fox of "monstrous inconsistency" in proposing to tell the story of Jesus after having made so many sensational movies and implied that, as a Jew, Fox was unqualified for the task. When other religious conservatives joined in the protest, Fox gave up on the project.

The malevolent atmosphere of early 1920s America unnerved Fox. He didn't understand it: such meanness and narrow-mindedness violated his basic assumptions about the national character. The audience he understood had turned its face away from him.

Amid confusion and uncertainty, Fox did what he always did when he didn't know what to do: he remembered what he already knew.

He knew that real estate could generate easy money. A decade earlier, after he built the row of ground-floor retail space at the Academy of Music, the rents had subsidized the entertainment programs. Now, in the early 1920s, he invested heavily in commercial property in New York, Los Angeles, Chicago, Philadelphia, and other major cities. Mostly he was looking for downtown sites where he could construct office buildings to house deluxe theaters, but he also bought properties for quick, speculative turnaround.

Fox also believed that directors were the most durable key to success. In 1920 he borrowed twenty-six-year-old John Ford—or Jack Ford, as he was called then—from Universal, where the director had been grinding out assembly-line Westerns with scant appreciation from management. Fox assigned Ford to make *Just Pals* (1920) with second-string cowboy star Buck Jones. The wandering, leisurely story of a friendship between a man and a young boy who help each other grow up impressed Fox as "one of the most artistically done pictures that I have reviewed in years."

The following year, Fox hired Ford away from Universal with a long-term contract that boosted his salary from \$13,618 to \$27,891 for 1922. That increase probably wasn't strictly necessary, as evidently no one else was after Ford, but it was the sort of openhanded gesture Fox liked to use to convey confidence and high expectations. Ford lived up to it, briskly turning out an assortment of small, well-crafted gems. Among them were Silver Wings (1922), another Mary Carr "mother love" tearjerker in the tradition of Over the Hill, which Ford codirected with Edwin Carewe; Cameo Kirby (1923), with John Gilbert as a kind-hearted gambler; The Face on the Barroom Floor (1923), set in the Bowery; The Village Blacksmith (1922), based on the 1842 Longfellow poem; and North of Hudson Bay (1923), a tale of the Canadian north featuring angry wolves and a canoe chase over a waterfall. Ford worked quickly, economically, and with an instinct for the heartfelt emotion Fox prized. Already, said cinematographer Joseph Ruttenberg, "this John Ford knew his

business so well."

Humble and cooperative, Ford did willingly whatever he was asked. To try to save the disastrous *Nero*, the director, although not credited, shot additional climactic scenes. Fox wanted big crowds, with one hundred fifty horses and visual tricks, but there was precious little money left, so Ford had to work cheaply and quickly. Film editor Hettie Gray Baker used almost every inch of the sequence as Ford sent it. For 1923, Fox increased Ford's salary to \$44,910.

Despite ample evidence to the contrary, Fox continued to believe he had a great destiny. Consequently, on May 5, 1923, he paid \$300,000 for one hundred acres of undeveloped land in West Los Angeles and announced plans to build a \$5 million studio there. It was an outlandish action. Only three years earlier, Fox had opened his \$2.5 million studio on Tenth Avenue in Manhattan, and he still had his eighteen-acre Western Avenue studio. What did a subpar outfit like Fox Film need with such extensive additional space? The West Los Angeles acreage wasn't even readily available for development.* The land had been leased until November 1923 to a farmer. Then paperwork from the Los Angeles City Planning Commission and the City Council approving Fox's construction plans got lost. Then city officials changed their minds and zoned the area for residential use only, requiring Fox to apply for an exception. Then University of California bureaucrats, who intended to build a new UCLA campus a few miles away, objected to the prospect of an unsavory industrial neighbor. It would be several more years before Fox could clear away all the obstacles-and find the money to build.

"Fox was . . . a great gambler," commented cinematographer Ruttenberg. "You know, he would take terrific chances in business, whether it was a chance that he might be a great success or go broke." To Fox, they weren't chances. He knew where he was going. "Forward with Fox" was the studio's slogan during the early 1920s.

His frustrations during the early 1920s—his inability to find his way back to making first-class movies—accentuated Fox's dual nature. On the one hand, he became more imperious, callous, and ruthlessly opportunistic. He lost his temper frequently, and naturally the insecure, submissive Sol Wurtzel caught the worst of it. By now, Fox was blaming Wurtzel for bringing Fox Film to the brink of "disastrous destruction." One step further, Fox wrote to Wurtzel, and all the employees who "have given not only their energy, labor and best efforts, but have given part of their very lives to the success of this company" would find themselves out on the street, with all their work rendered meaningless.

The constant vilification and bombardment with abuse drove Wurtzel to a nervous breakdown in 1921. He left the studio for thirteen weeks, and Fox's brother-in-law Jack Leo came from New York to replace him. Leo might well have kept the job. However, probably from a combination of sympathy and a reluctance to risk standing in the same line of fire, he urged Fox to reinstate Wurtzel. For the rest of his life, Wurtzel would remain grateful to Leo. (Wurtzel's daughter, Lillian, refused to believe that version of events, told to her by Leo. After speaking with her father's private secretary in 1967, she concluded, "Dad never had any breakdown; it was all in *Fox's* head—thought too much money was being spent!" Leo's account, based on firsthand experience, is more credible. Wurtzel himself, in a November 1919 letter, acknowledged that his worries about displeasing Fox were "enough . . . to make a man go off his mind.")

As for exhibitors, Fox abandoned his former policy of viewing them as friendly partners. Now he arbitrarily canceled contracts, refusing to deliver certain movies as promised and then reoffering them at higher prices. Theater owners might have sued, but who had the time, money, or fortitude to go up against an experienced litigant like Fox? Fox sales representatives acquired a reputation as "some of the most unjust and autocratic men that have ever engaged in any industry." For a while, prints went out "in a most deplorable condition—worse than the films from any other distributor," and complaints abounded of greasy film and damaged

sprocket holes. Likewise with competitors, Fox mercilessly exploited every weakness he could find. When D. W. Griffith stalled on buying the British and continental European film rights to *Orphans of the Storm* (1921), Fox scooped them up for \$15,000, blocking Griffith's ability to show his movie there, and then, in exchange for permission, extorted \$85,000 in cash from Griffith as well as preferential terms for showing the movie at Fox theaters in the United States. Griffith thus lost estimated revenue of \$100,000.

Yet, as Fox became more ruthless, he also showed greater empathy toward those whose lives had gone adrift. In late 1921 he hired back, of all people, A Daughter of the Gods director Herbert Brenon. After their rancorous split five years earlier and Fox's subsequent sabotaging of Brenon's independent production company, Brenon had gone overseas to make movies for the British army with the rank of major. Afterward, he had fallen on hard times. First, he was kidnapped by bandits at Mount Etna, Sicily, and held for ransom, although his captors released him unharmed after learning that the U.S. government was in pursuit. Then the Italian film company that hired him to make movies and oversee sales to U.S. distributors refused to pay him about \$28,000 in commissions and profit sharing. Returning to the United States to work for producer Joseph M. Schenck in early 1921, Brenon made several flops. In May 1921, with Prohibition in full swing, he was arrested after a patrolman saw him throw a package containing a bottle of Scotch onto the sidewalk on West Forty-Sixth Street and start running away. The case against Brenon was dismissed at arraignment, but not without newspaper articles suggesting that he was a down-and-out souse.

Months after that incident, Fox hired Brenon at \$1,000 a week. Rather than humiliate him with minor assignments, he gave his onetime protégé some of the studio's best projects and best talent. If Fox still believed Brenon could be useful, that didn't so much detract from the act of kindness as it did define it. No one else had such faith in Brenon.

Fox, however, had not forgotten the past. "He kept his 'threat'— I never went into his office again—during that period, and only a

'nod' would I get, if we passed in the corridor. We didn't even see 'rushes' together," Brenon would recall. Instead of speaking directly to Brenon, Fox sent messages through his Tenth Avenue studio manager, Julius Steger. Within a year, the relationship had fallen back into its old pattern. Brenon, feeling unappreciated by Fox, quit. Then Fox, angry at Brenon's apparent ingratitude, refused to pay him his last week's salary. Nonetheless, years later Brenon acknowledged that his second term at Fox Film helped him significantly. Although none of the five movies he made during this time did particularly well commercially, after leaving, "I got my second wind and went 'soaring.'" Brenon joined Famous Players—Lasky, where he directed *Peter Pan* (1924) and *The Great Gatsby* (1926), and then made the highly acclaimed *Sorrell and Son* (1927) for United Artists.

Director Emmett Flynn also benefited. Although Flynn had directed such prominent Fox movies as *A Connecticut Yankee* and *Monte Cristo*, he was also a notorious drunk who could not always stay sober while working. When Flynn started sliding downhill, Fox tried to pull him back up. Assigning Flynn to direct the 1922 remake of *A Fool There Was*, which seemed to have great promise, Fox met with Flynn to outline how he thought the story ought to be updated and to tell him that while he would approve the casting choices and Wurtzel would determine their salaries, Flynn could set the overall budget. That way, Fox said, Flynn could prove to himself that he still knew how to make a profitable movie.

Even personnel further down the line warranted personal attention. After his daughter was born in 1922, cinematographer Joseph Ruttenberg sent a birth announcement to Fox. One day, "standing on an apple box and grinding the camera by hand," Ruttenberg smelled cigar smoke and turned around to see Fox. "I had to look down at him. He says, 'Your memorandum has been answered.' He continued to smoke." Fox had given Ruttenberg a twenty-five-dollar-a-week raise. More raises followed regularly, "every time he saw something nice." Some fifty years later, Ruttenberg still recalled the way that Fox's generosity gave him "some kind of a feeling I was going places."

Fox Film was a business—woe to anyone who forgot that—but it was also a family whose members ought to take care of one another.

CHAPTER 24

"Humanity Is Everything"

Humanity is everything, in everything, not alone motion pictures . . . There is nothing in life but humanity . . .

—FOX FILM PUBLICITY, SILVER WINGS (1922)

Others in the motion picture industry drank, gambled, had affairs, divorced their wives, tormented their children, and made public fools of themselves when their careers went off the rails. Fox did none of that. Pressed back in the pursuit of his ambitions during the early 1920s, he used his personal life as an arena to renew the better side of his character.

He continued his charitable activities, helping to lead fund-raising campaigns for, and making large donations to, causes as varied as a new police hospital in Brooklyn and assistance to European countries still suffering from the ravages of war. In early 1920, Fox Film made at least twenty short films promoting New York State's Lockwood-Donohue Bill to boost the salaries of public school teachers, who earned even less than window washers and who were thus in such short supply that, every day, thousands of schoolchildren had to be sent home because there was no one to teach them. That April, the Lockwood-Donohue Bill passed the state legislature.

Fox also started a policy whereby any church, orphanage, hospital, old age home, or other charitable institution could get Fox

movies for free, with the studio paying the shipping charges both ways. Years later, an elderly retired priest would visit Fox at his Tenth Avenue office. "I noticed he was rather shocked and drew back as he came in," Fox recalled. "I said, 'I know why you draw back. You have pictured Fox to be Catholic—I am Hebrew, and it is all right.'" The priest explained that forty years earlier he had built a small parish church in South America and had prayed for a way to pay off the mortgage—but his prayers remained unanswered until he received Fox Film's letter offering free movies. By playing the Fox fare twice a week, the parish church raised enough money to retire its debt. "Now I can die in peace," the priest said. "I thought I ought to come in and thank the man that made it possible." There was no need for thanks, Fox assured his visitor. That was Fox Film's policy, and he was glad the priest had used it to full advantage.

In addition to these public activities, beginning in the early 1920s, Fox privately gave some \$250,000 every year to the poor. Eva distributed the money. According to Fox, this was "the greatest joy and thrill of her life," and it was "not unusual to find her climbing three and four flights of stairs of the tenements in New York to discover where this money [could] be put to the best use."

Eva was more than an emissary. She was also an inspiration. Amid the financial depression of 1921, Fox decided to buy her a \$40,000 Russian sable coat and asked the furrier to send it to his home on approval. The coat fit, and Eva liked it, so Fox proposed to send a check to the furrier the next day. No need, said Eva, if Fox gave her the check, she would deliver the payment. "A week later I met the furrier and he said he was sorry my wife didn't like that garment," Fox recalled. "I said, 'Didn't like it? What do you mean, didn't like it?' He said the coat had been returned. When I got home that night, I said, 'What is this I hear about you returning that Russian sable coat? Will you please return my check?" Eva refused. She had bought another coat for about \$1,500. "I asked for the return of the difference, and she said, 'Do you suppose I am going to walk around with a coat costing \$40,000 with all the agonies and misery that is now going on around in our charitable institutions in New York? Just so you won't be going around looking at sable coats any more, I wish to advise you I have distributed the difference between the original price of that coat and the coat I bought. You can stop looking at Russian sable coats for me.'" Fox loved that story and told it often.

Sometimes he went back to the Lower East Side to visit the homes of childhood friends and neighbors. He didn't go empty-handed. "See this watch? He sent that to me last Christmas. It's got my name engraved in it and his'n," an elderly Rivington Street cobbler told a newspaper columnist in 1921 while repairing worn-out shoes in a basement shop underneath a grocery store. "All his boy days he wanted a watch and never had enough money to buy one. Now he has sent nearly everybody around the East Side a gold watch. That's just his way."

Stinging memories of Michael Fox's shoulder-shrugging indifference still haunted Fox, and he continued to express his devotion to his dependents through his favorite language: money. If Eva didn't want a Russian sable coat, he would buy her items that were non-returnable. In December 1922, at an auction of the personal possessions of actress Lillian Russell, Fox spent \$34,600 for four pieces of jewelry: one was a pearl-and-diamond cloverleaf broach in a gold-and-platinum setting; another was a diamond-studded Maltese cross pendant on a platinum-and-diamond chain. The following year, he bought the Woodmere estate they had been renting for years and named it Fox Hall. Their daughters were not overlooked. Belle Fox said, "There was never anything that we ever asked him for that we didn't get."

The ostentation didn't extend to Fox himself. "He is not the moving picture magnate of popular imagination—the sartorially perfect Beau Brummell with platinum lined limousine, 27-jeweled, steam-heated, diamond studded wrist watch," wrote syndicated columnist O. O. McIntyre. "His clothes were neat and well-fitting, but obviously not the handiwork of the Fifth Avenue tailors whose shops are cached in sign-less magnificence."

Material gifts weren't a substitute for affection or an apology for

emotional distance: they *were* affection, and Fox had nothing to apologize for. According to his friend David A. Brown, Fox's love for his family was "a driving force within him, his desire to make and keep them happy . . . an objective that he has always had before him."

Was there something a bit odd about all their togetherness? Neither Eva nor either of the girls appears to have had any close friends outside the family, and in their 1922 passport photos, Mona, twenty-one, and Belle, eighteen, wore identical windowpane checked dresses and similar hairstyles. When the family traveled to Europe in 1922, they celebrated July 4 by themselves in their hotel in Berlin, eating hamburgers "and waving little American flags." Yet, Fox and Eva had grown up in such different circumstances, and they had no one to show them the way that wealthy people managed their relationships.

Control was another means by which Fox tried to express love. He decided that his daughters needed husbands. The "girls" weren't going to attend college or embark on careers. While Fox respected women who had to work—his own mother had been one—he scorned men—his father was the paramount example—who made them do so when they had the power to prevent it. As Fox movies had clearly shown, a woman's highest calling was marriage and motherhood. He would guide his children. He would not be, as Michael Fox had been, offhand about the course of their lives.

Neither of the Fox girls was unattractive, but both had drawn lesser genetic cards, inheriting their father's sturdy, prominent features rather than their mother's neat, delicate symmetry. Mona was the more challenging of the two. Fox described her as having a "romantic" nature, but she was actually impulsive, highly emotional, and childishly dependent. Surely love would strengthen her as it did characters in Fox movies. For Mona, Fox found a suitable mate in Douglas N. Tauszig, the younger brother of the late wife of his former lawyer, Gustavus Rogers. Seven years older than Mona, the handsome, dark-haired, brown-eyed Tauszig had an outgoing, fun-loving personality as well as a respectable family background. His late father had been a retail druggist, and his

maternal grandfather was furniture manufacturer Joseph Wolf, a founder of Temple Rodeph Sholom. If the young, Dartmouth-educated Tauszig didn't display much focused ambition—a few years earlier, he'd worked as a farmer in the Adirondacks and now he was a New York City silk merchant—that could be remedied. Mona was smitten with him, and Fox Film could always use another executive. The couple married in a small religious ceremony on May 27, 1923, at her parents' Manhattan pied-a-terre at 316 West Ninety-First Street. For their honeymoon, Fox sent them on a cross-country trip to San Francisco, followed by a cruise to Japan on the SS *President Lincoln*. Waiting for Tauszig upon their return was a comfortable berth as an assistant to Fox Film vice president Jack Leo. Eva's brother.

Belle Fox insisted on choosing her own husband. Less than a year after her sister's wedding, during a visit to Yosemite National Park with her parents, she found twenty-four-year-old lawyer Milton Jerome Schwartz and presented him as her fiancé. Fox was not pleased. The couple had known each other for only a few weeks, and Schwartz had pursued the courtship ardently. A gold digger? The two may have threatened to elope. Something gave their newfound romance such urgency that Fox was willing neither to oppose it nor to try to delay it. In Fox movies, fathers never prospered by standing in the way of relationships their children considered love.

A wedding was hastily arranged for the evening of April 2, 1924, Belle's twentieth birthday, in a private suite of the Ambassador Hotel in Los Angeles, with Rabbi Edgar Magnin, the so-called rabbi to the stars, officiating. Tension pervaded, especially for the groom. Right after the ceremony, he fainted. Yes, quite possibly a gold digger. Although Schwartz lived in Los Angeles and although Fox Film certainly had room for him there, Fox announced that after a "brief" honeymoon—no deluxe trip to Japan for them —"our young people" would live in New York. Schwartz became an executive at Fox Film's Manhattan headquarters, where, as with Tauszig, Fox could watch over him.

Fox had an infinitely sadder matter at hand in managing his mother's situation. Anna Fox was now ravaged by stomach cancer and in such acute pain that she remained bedridden. Fox knew what he ought to do. If he had been the good son of *Over the Hill*, he would have kept her at home amid her family's love.

He didn't. In 1923 he sent his mother to the Battle Creek Sanitarium, an internationally famous hospital and health spa run by Dr. John Harvey Kellogg, whose younger brother Will founded the Kellogg cereal company. The ne plus ultra of fashionable health resorts, comprising a six-story Beaux Arts brick building adjoined by a tropical garden, the "San" catered to a wealthy clientele that included Fox's hero John D. Rockefeller Jr. and promoted a regimen of "biologic living," combining outdoor exercise, hydrotherapy, and a strict Seventh-Day Adventist-based diet. It was supposed to be a place "where people learn to stay well," but it had become also a place where hopeless cases went to die comfortably.

Did Fox really believe that the "San," with the best medical care money could buy, might alleviate his mother's suffering? Or did he want to avoid the grotesque reality of an incurable disease, the inevitable decline, the sight of anguish that wasn't just playacting?

Anna Fox went away without protest. As Fox said, "She was always a lady."

With Anna Fox gone from New York, a new problem arose for Fox: what to do about his youngest sister, Malvina, who had lived with and cared for their mother. As with his daughters, there was really only one solution. Although still a teenager, Malvina had to be married off.

Fox needed to look no farther than his outer office for an acceptable candidate. There was his elegant private secretary, Henry K. Dunn, who had taken over the job in late 1919 after a similar stint with noted Broadway producer and theatrical booking agent Marc Klaw. Always impeccably groomed, with his dark hair slicked back, Dunn wore expensive suits and shoes that he brushed and polished after every wearing, and he spoke with an upper-class

English accent.

What was such a refined person doing working for William Fox? He wasn't. Almost everything about Henry K. Dunn was a fake. His last name was really Barenstein, and his family wasn't Irish but had emigrated from Russia. The "K" stood for nothing. According to Henry and Malvina's daughter, Angela Fox Dunn, "My father added the middle initial because he thought it made him sound distinguished." Henry's parents ran a shoe store, and after dropping out of high school, he had attended secretarial school, where he acquired the skills that qualified him for the job at Fox Film. As for the English accent, Henry had picked that up by attending the theater. He had never traveled outside New York City.

Henry's ambition, however, was authentic. He had first spotted Malvina at age fourteen, when she came to the office to visit her eldest brother. Seeing an attractive, naïve, unattached younger sister to the boss, "Henry thought, 'Fourteen's a little too young. They won't let her go at fourteen. I'll just wait,'" said Angela Fox Dunn. Twelve years older, Henry turned on the charm and waited for Malvina to grow up. They married on Henry's twenty-ninth birthday on August 4, 1923, a few months after Malvina turned seventeen. Fox sent them to Los Angeles, with a job lined up for Henry at Fox Film.

They all seemed happy: Eva with her splendid home, and the girls with their new husbands, and the new husbands with their new jobs. At a time when the movie industry wasn't particularly interested in his leadership, at least in his personal life Fox could play the hero.

The Iron Horse (1924)

Fox's anxious penny-pinching paid off. By late 1923, Fox Film had built up sufficient reserves to take another run at making an expensive, important movie. The national economy was beginning to rally, and Fox understood that if he made a truly great movie, even theaters allied with rival studios would want to book it in order to share in the profits. The project he chose was *The Iron Horse*, an epic about the building of the transcontinental railroad in the 1860s.

As director John Ford told the story decades later, after he had become one of film's old masters, his great talent inspired the studio to transform the movie from modest proportions into a cinematic spectacle. "We had started doing an ordinary picture, and then we got snowbound. We had nothing else to do, so we shot film and gradually the story developed," Ford said in 1966, describing the location shooting in Dodge, Nevada, in early 1924. A few weeks into production, Ford recalled, Sol Wurtzel showed up to assess progress and, amazed by the quality of the work, sputtered, "Jesus, we've got a big picture here. Take all the time you need."

A fine story that was, but very little of it was true. In fact, *The Iron Horse* began as a large-scale, artistically ambitious project that was designed to allow Fox to make up for the biggest missed opportunity of his career. A few years earlier, amid the dark days of the postwar recession and fearful uncertainty about the movie industry's future, he had been offered a story about the migration of

covered wagon settlers to the American West in the mid-1800s. He had wanted to make the movie (with Buck Jones, the cowboy actor he'd hired to throw a scare into Tom Mix) for about \$40,000; however, budget forecasting indicated that the cost would likely reach \$200,000. Unwilling to spend so much money on one movie, Fox turned down the project. Famous Players snapped it up and spent nearly \$800,000 to make *The Covered Wagon* (1923) on a grand scale. The movie broke box-office attendance records in the United States and Europe, earning \$9 million in gross receipts and profits of about \$3 million.

Although that chance was gone, nothing prevented Fox from making a historical sequel to *The Covered Wagon*—with different characters and situations—about the next phase of territorial expansion, the post–Civil War extension of the railroad to California. Surprisingly, it was Sol Wurtzel, whom Fox generally credited with having nothing more on his mind than the utter ruin of the studio, who suggested the idea. They already had a basic story outline, Wurtzel pointed out, a synopsis for *The Arizona Express*, a planned low-budget railway melodrama with a romance angle.

In September 1923, "after careful consideration," Fox authorized Wurtzel to adapt The Arizona Express story into a pioneer days railroad movie with "Indian fights, Pony Express, et cetera," and a budget limit of \$150,000. That was about twice the cost of the industry's average feature and several times as much as Fox had been accustomed to spending during the past few years. Fox believed that "if carefully planned and executed," the movie would be "an outstanding sensational success." Naturally, Fox couldn't leave Wurtzel with the unfettered satisfaction of having had a good idea. Wurtzel was too close to being the sort of cultural maladroit that many people thought Fox was, and that Fox sometimes still was. For that, Wurtzel had to be punished. In a telegram, Fox chided, "I charge you with the responsibility for a thrilling high class play developed logically along romantic lines without decorating your male characters with whiskers and fake mustaches "

Ford, who hadn't yet handled a large, complicated production, was not an automatic choice to direct. Wurtzel had to push for him. Aligned by mutual interest, the two were on their way to becoming close friends. Ford viewed Wurtzel as "very hard boiled and tough, but very compassionate. Very just," and much preferred him to Fox Film general manager Sheehan, "a smooth talking Mick" who was trying to maneuver his way out of sales and into production. Wurtzel, on the other hand, needed Ford to reinforce his own position. The director's expertise at making popular movies efficiently and his natural affinity with Fox's outlook made Wurtzel look good with the boss, and in that arena Wurtzel could use all the help he could get.

Fox agreed to Ford, but knew the value of the gift he was giving. In a telegram to Wurtzel, he commented, "I consider Jack Ford has the opportunity of a lifetime." Ford knew it, too. Wurtzel replied to Fox, "Ford very enthusiastic and grateful for opportunity. Feels he can make sensational success of this subject."

Contrary to Ford's fanciful account of a mostly impromptu, mostly one-person creative accomplishment, months of expensive preparation went into The Iron Horse—at first called The Iron Trail with many hands involved. From the Fox Film library in New York, Sheehan culled old photos of railroad equipment, character types, and locations, as well as thirty to forty books about the transcontinental railroads. Particularly useful was Edwin L. Sabin's 1919 popular history, Building the Pacific Railway, which describes the May 10, 1869, joining of the Union Pacific and Central Pacific tracks at Promontory Point, Utah—the movie's climactic event. The Union Pacific railway opened up its entire library in Sacramento, California, and sent a librarian to Los Angeles as a consultant to the movie; an Oregon railroad provided old-time locomotives, shovels, ties, and other equipment. From that mass of information, writer Charles Kenyon hammered together a script with input from Wurtzel and Ford.

All three contributed to the story, which wove together an account of the difficulties of laying tracks through the wilderness with a fictional romance between young Pony Express rider Davy

Brandon and his childhood sweetheart, Miriam Marsh, whose father oversees the Union Pacific work. Wurtzel suggested the prologue dedicating the movie to "Abraham Lincoln, the Builder," who in 1862 signed the first Pacific Railroad Act authorizing construction of a transcontinental railroad. As the movie's musical cue, Ford proposed "Drill, ye tarriers, drill," which his uncle Mike Connelly, who had worked for the Union Pacific, used to sing. Ford also offered colorful tales from Uncle Mike and other relatives who had worked on the railroad, "Indian fighting and all that sort of stuff." Kenyon shaped the romance angle, adapting and expanding ideas from *The Arizona Express* synopsis.

Of all the creative sources, history—at least, what Kenyon, Wurtzel, and Ford understood to be history-had the greatest impact. The plot's central problem of finding a direct pass through the Wyoming Black Hills to avoid an expensive, two-hundred-mile detour—that really had been major obstacle a transcontinental railroad. The scene of Indians trying to rope a train actually happened, as did the Abilene Trail cattle drive from Texas to feed the railroad workers, and the "hell on wheels"—and it really was called "hell on wheels"—transportation of the frontier town, complete with gambling and dancing girls on flatcars and horsedrawn wagons to keep up with the track laying. Several characters had real-life prototypes. The movie's villain, wealthy landowner Deroux, was based loosely on Thomas Clark Durant, the vice president and major stockholder of the Union Pacific who cheated the railroad and routed the tracks through his own property. In the movie, Deroux bribes an engineer to tell the Union Pacific that there is no Black Hills pass. In real life, Durant was accused of hiring a consulting engineer for a similar purpose. The Judge Haller character, who runs a combined bar and courtroom, was a transposition of a real-life figure associated with building the Southern Pacific Railroad.

Even the unifying themes of *The Iron Horse* were largely ordained beforehand. As ever with Fox movies, looming over the planning stage was the fearsome specter of Fox's supreme authority. Everyone knew the script would have to go to New York for

approval, and everyone very much wanted to please the boss. Accordingly, the story captured many typical Fox Film—that is, many typical William Fox—values and motifs.

The film begins in Springfield, Illinois, with Davy Brandon's surveyor father gazing dreamily toward the west, envisioning "rails that'll reclaim that wilderness out there." Miriam Marsh's well-to-do father indulgently dismisses him as a crank, much in the way that Fox always felt that his grandest dreams had been belittled by those who were supposed to know best. It's Springfield, Illinois, for a reason: a young, clean-shaven Abe Lincoln looks on approvingly at the Brandons and helps young Davy onto his horse as father and son set out west, impelled "by the strong urge of progress." Mr. Brandon is that rare specimen in a Fox movie, the good father, but not for long: a two-fingered white man masquerading as an Indian murders him just after he has put out their campfire. Davy, who witnesses the fatal ax blow, appears to be about ten, not far from the age at which Fox psychologically dispensed with his father by deciding at his bar mitzvah to take complete responsibility for his own life. Memories of his father guide Davy, just as Fox's ambition was fueled by childhood perceptions of his father. Similarly, the romance between Davy and Miriam mirrored Fox's notions of ideal love. The two are innocently attracted to each other in childhood, echoing the way that Fox decided on Eva at a young age. Their feelings develop as they participate in the same nation-building dream, just as Fox and Eva founded their marriage on a shared vision of creating Fox Film as a lasting cultural institution.

Altogether, the story celebrated Fox's favorite values of bold vision, the builder's courage, pure romantic love, hardworking perseverance, and optimistic American expansionism. He quickly approved it.

Then came casting. Ford oversaw that process, subject to Fox's agreement. The selection of unknowns didn't reflect any sort of directorial vision, but rather, two simple facts. First, the studio's roster had no stars to offer except the inappropriate Tom Mix. Second, given his disdain for overblown star egos, Fox certainly wasn't going to hire any stars. To play the adult Davy Brandon,

Ford wanted twenty-four-year-old newcomer George O'Brien, a decorated navy war veteran whose father was the San Francisco police chief. Although O'Brien's tall, strapping physique and Northern European–derived good looks recalled the physical type of the recently exited William Farnum, Fox was skeptical because the young actor had so far appeared in only a handful of small roles. Warning that O'Brien would have to be willing to do a scene "ninety times if it was necessary," Fox gave him a lowly, option-based contract starting at \$125 a week. O'Brien was thrilled: "Gee, I got a job! Gee whiz, I got a job."

It was an inspired choice: O'Brien would go on to become one of the most popular performers of the era. So would Madge Bellamy, the petite, dark-haired beauty whom Fox Film borrowed from the fading Ince Studios for the role of Miriam Marsh. In late December 1923, the whole caravan set off to film in Nevada. It was hardly the shoestring operation of Ford's later description. Bellamy recalled traveling by train "with ox carts, tents, Indians, Chinese, hundreds of cowboys, electricians, cowgirls, horses, cattle, actors and actresses."

Contrary to Ford's later claims, the script remained substantially intact during several months of filming. Ford himself admitted this in his deposition for an obscure 1925 copyright infringement lawsuit. Under oath, he stated, "there was very little change, really, from the original script." They did unexpectedly encounter snow in Nevada, that was true, and the bad weather did force Ford to substitute a winter scene for one depicting summertime on the Utah plains and to abandon a comedy scene that didn't work well in the snow. To compensate, Ford invented new comic characters who had not been in the original script. These "three Irishmen, playing the Three Musketeers," were based on tales told to Ford by his uncle Mike Connelly about Civil War veterans who came to work on the railroad and still addressed each other by their military rank. At least, all three of the "musketeers" were supposed to be Irish. During postproduction in New York, when the movie was out of Ford's hands, intertitle writer Charles Darnton changed one of them into a German, naming the characters Corporal Casey, Sergeant

Slattery, and Private Schultz, probably to broaden the ethnic appeal. The three "musketeers" appear periodically throughout the movie. According to Ford's 1927 testimony, "That's about the only place where there was a really drastic change in the script made; otherwise, there were very few instances."

Furthermore, Ford was hardly a sure-handed, authoritative artist at this point in his career. Bellamy recalled that during big scenes of *The Iron Horse*, Ford sat high on a platform, nervously chewing on a white handkerchief and relaying orders through his assistant director and brother, Edward O'Fearna. (Their real last name was Feeney. Ford had changed his name when he first came to Hollywood to visit his brother Francis, who was acting at Universal using the last name Ford; Edward chose to be known as O'Fearna, an Irish-language version of Feeney.)

Also contrary to Ford's version of events, Fox didn't pour more money into the production once he heard how well filming was going. To the contrary, he cut back to save money. Originally, the script called for the U.S. Cavalry to swoop in, fight off the Indians, and rescue young Davy Brandon after his father's murder. Worried that the movie was getting too long and too expensive, Fox ordered the scene reworked. Davy is therefore found by three coonskincapped frontiersmen who happen upon him just after he has buried his father. The downsizing brought out the best in Ford: the boy's reluctance to leave his father's grave is one of the movie's most touching moments. Elsewhere, the director had plenty of opportunity to demonstrate his skill at panoramic spectacle, managing a cast that included 800 members of the Pawnee, Cheyenne, and Sioux tribes; 3,000 railway workers, 1,000 Chinese extras, 2,800 horses, 1,300 buffalo, and 10,000 Texas steers. Scenes abound of Indian attacks, laborers pounding railway stakes, and cattle herds bustling across the plains.

When the production returned to Los Angeles in April 1924 to shoot interior scenes, Fox looked in on the set. Although he kept such a low profile that Madge Bellamy didn't recognize him, he didn't hesitate to interfere. He suggested—and got, of course—a slapstick scene untethered to the rest of the plot. The character

involved never appears before or after, but following the town's move from North Platte to Cheyenne, a dentist is ready to pull a tooth from the swollen jaw of Corporal Casey, who has never before shown any sign of such distress. Casey tries to run away, but his two friends and the dentist push him into a chair. At the moment of extraction, Sergeant Slattery sticks a pin into his buttocks. The scene recalls the story Fox told about his father having been a dentist in Hungary, except that his father allegedly used a red-hot iron on the patient's back. If broad, physical gags weren't really Ford's style, if most everywhere else in the movie the humor is warmer and subtler, Ford wasn't about to oppose the boss's creative contribution. Fox authorized his paycheck and believed he could have a great future. Ford, who had turned thirty on February 1, 1924, during location shooting in Nevada, very much wanted that future.

Although the story framework was far less of Ford's invention than he eventually claimed, *The Iron Horse* was still distinctively his own. Through filming and editing choices, he asserted his emerging sophisticated visual style. In depicting the murder of Davy's father, for instance, the camera stays on the villain Deroux, disguised as a Native American, as he raises an ax over the fallen, ambushed father, but then quickly cuts to the boy's anguished face. To have lingered on the killer would have glorified the power of the strong over the vulnerable and favored physical action over psychological reaction. Ford's artistic choice signals that this terrible loss will linger for years as a deep wound demanding vengeance. Indeed, when the adult Davy recognizes Deroux by his mangled hand and beats him to death in a fistfight, the intensity of his rage comes as no surprise.

Similarly, to introduce the Indians' mass attacks on the railroad workers, Ford uses the elegant, ominous power of inference rather than blunt representation. One such scene begins with the shadows of the Indians on their horses, weapons in hand, on the side of the train cars. Another shows a single arrow striking the elderly, white-

haired "musketeer" Schultz in the back as he works on the railroad. Ford also knew what he wanted from his actors and how to recognize it when he had it. When reunited with Miriam after many years since their childhood together in Springfield, George O'Brien's Davy looks at her with subtle puzzlement—as if he thinks he recognizes her, but doesn't dare to hope so—and then, when he hears her name, he looks as if he can't quite believe the luck. Then, when Miriam introduces Jesson, her father's engineer, as her fiancé, Davy looks momentarily stunned, but quickly pulls himself together. It's a spinning kaleidoscope of emotions, and Ford kept O'Brien from overplaying any one of them. A later scene between the two characters also draws strength from subtlety. After confessing to Davy that she loves him rather than Jesson, Miriam looks up at him longingly. Davy hugs her and kisses the top of her head. That's it, and it's enough.

Fox knew he had a hit with *The Iron Horse*, but for a long while he kept that a secret. The industry had branded Fox Film a "weak sister" among the studios, and he meant to give them a big surprise. For the first time in Fox Film history, a big movie got no advance publicity buildup. A short, prerelease item appeared in *Variety* in mid-July 1924, misidentifying the movie as *The Iron Door* and describing it simply as "a tale of the Western plains, with a buffalo stampede." A few weeks later, when Fox Film announced the 1924–1925 season's slate of releases—allegedly the greatest achievement in "all the history of public entertainment"—page after page of advertising included not one word about *The Iron Horse*.

Then, several days before the premiere at Broadway's Lyric Theatre on Thursday, August 28, 1924, the Fox publicity machine attacked New York. First, "a veritable landslide of teaser posters of every size and description" appeared on almost every worthwhile billboard in the city, while huge signs announcing *The Iron Horse* cropped up on all paved roads into New York, and snipes plastered the distances toward New Jersey and Long Island seaside resorts. Next came an overhead campaign. At \$1,000 per trip, the studio

hired former army airmen to make thirty nighttime flights toting an electric sign that read "Iron Horse" over New York and New Jersey and to make thirty daytime trips skywriting the title in tall letters.

Behind the scenes, Fox made sure John Ford felt appreciated, giving him a new three-and-a-half-year contract starting at \$1,500 weekly and escalating to \$2,250 weekly. Fox also invited Ford's parents to travel from their home in Maine to the New York premiere. Mother and Father Feeney were like cantankerous characters out of a typical Fox movie. Mr. Feeney was a former laborer who drank heavily; Mrs. Feeney was illiterate, but could read numbers well enough to order the most expensive item on the menu as long as someone else was paying. Embarrassed though he would have been to encounter his own parents in such a condition, Fox treated the Feeneys with generous goodwill. He put them up at the Waldorf, had Sheehan take them shopping every day in his Rolls-Royce, and asked them, along with Ford and his wife, Mary, to stay at the Fox estate in Woodmere the night before the premiere.

Although Mary Ford marveled at the Fox family's "sensational" style and "real, real rich kind of living," Mrs. Feeney grumbled that she wanted to stay in the hotel instead, and complained, "If these Jews think they're going to make a fuss over me, they're crazy. I'm not the least bit impressed." Mr. Feeney had no better manners. At the Fox dinner table, noticing a butler at his elbow with a bottle of Jameson Irish Whiskey, he dumped his water glass out into a potted plant, had the butler pour right up to the brim, and then downed the drink in one gulp. Ford said, "I remember Mr. Fox staring at him in disbelief."

Still, none of the Fox family showed any hint of disapproval of the two hayseeds. Mary Ford recalled the whole Fox family—Fox, Eva, Mona, and Belle—as "the simplest, sweetest people" who were "getting the bang of their life out of it . . . without being mean about it." Recalling the incident decades later, Ford described Fox as "a grand man and a great gentleman" who had understood what the trip meant to his parents and who "did everything to make them feel at home."

At the premiere, Fox and Eva escorted the Fords and the Feeneys in a limousine to the Lyric Theatre, walked them down a red carpet, and stayed with them throughout the performance, despite a guest list that included not only flashy movie industry celebrities but also the heads of several railroads, New York Times publisher Adolph S. Ochs, and U.S. senator Royal S. Copeland. After the performance, walking through the usually "dreary and cold" lobby, which the studio had decorated with hundreds of yards of blue and gray silk, Fox paused by a life-size oil painting of Ford and asked Mrs. Feeney, "How do you like your Johnny's picture?" These were the moments so personally rewarding for Fox: he had helped a young man establish his position in the world and had given the man's parents a reason to be proud of him. With The Iron Horse, Ford became a first-rank director and began what would turn out to be his mature body of work. As grandson Dan Ford has observed, with The Iron Horse, Ford "found his great theme as a chronicler of the American experience: personal happiness is tied to national progress."

Fox's eleventh-hour publicity strategy worked brilliantly toward two purposes. Restraint from William Fox? People who thought they knew him were no longer quite so sure. Second, having built up no expectations, critics were compelled to evaluate the movie on its own merits. Many were stunned, captivated, and nearly desperate not to let *The Iron Horse* fall into obscurity. "Certainly a masterpiece," *Motion Picture News* advised theater owners. "Laud it to the limit. Get out all the paper possible on it—and tell that it is Fox's greatest film." *Film Daily* echoed, "Here's one of the sweetest box-office profit-making sure-fire pictures of the season . . . There isn't any doubt about the commercial value of this." Most consumer publications agreed, describing the movie as universally appealing. Looking ahead, the *Brooklyn Daily Eagle* predicted that film history would remember *The Iron Horse* as "one of the really fine accomplishments in filmcraft."

Naturally, there was a naysayer. Life magazine's Robert E.

Sherwood inexplicably bashed *The Iron Horse* for "frightfully slipshod dramatic construction." He concluded, "As a whole, the picture makes almost no sense; scenes, episodes and situations . . . are hurled together with utter disregard of continuity . . . It's all very confusing."

Playing exclusively at the 1,406-seat Lyric Theatre, with ticket prices of \$1.65, *The Iron Horse* did uneven business for the first few days, but hit its stride within a week. Soon it was selling out at most performances. By February 1925, some 320,600 people had seen the movie there.

It was a risk not to send the movie into wide release as soon as it had proved its drawing power. Between the Lyric's high rental fee and tremendous advertising costs, Fox was at best breaking even there, and the more people who had already seen *The Iron Horse* in New York, the fewer were left to want to see it there. A drop-off in business at the Lyric would likely flatten enthusiasm among exhibitors around the country, and it was at their theaters that Fox would make his real money. Additionally, at any moment, another spectacular movie might come along and make *The Iron Horse* look like old news.

Fox kept faith. Instead of cashing in, he threw more money on the table. On February 21, 1925, he opened *The Iron Horse* at only one more theater, the 1,800-seat Grauman's Egyptian on Hollywood Boulevard in Los Angeles, and launched another sensational publicity campaign. No planes with banners buzzed overhead this time, but in the theater's forecourt, the studio installed the *Collis P. Huntington*, the Central Pacific's first locomotive, and nearby positioned an exact replica of Lincoln's log cabin, which was manned by the look-alike actor who portrayed Lincoln in the movie, former Reno, Nevada, judge Charles E. Bull.

Master showman Sid Grauman arranged an elaborate stage show "prologue," with two hundred players, including twenty-five Arapahoe and Shoshone Indians, in ten live acts. Among the performances were a series of tableaux based on Remington paintings; a hoop skirt dance; music by two old-time fiddlers and an accordion player; and the pièce de résistance, the running out

onstage of two steam-puffing engines, which stopped about four feet apart while a gold spike was driven into the track between them. Almost every night during the first week, parties honoring the movie were held at the theater. The one hosted by Charlie Chaplin and his sixteen-year-old wife, Lita Grey, drew a particularly large crowd. All this promotion was expensive, but as Fox told a colleague, "[T]o make money, you've got to spend it."

Fox believed so much in *The Iron Horse*, the first Fox movie shown in one of Los Angeles's major new theaters, that he overcame his loathing of public attention and, on opening night at the Egyptian, allowed himself to be introduced to the audience. With Eva in New York and John Ford absent, Fox had escorted Ford's wife, Mary. For her, it was a magical experience. Decades later she would comment, "If I were told to live those days over again or change them, I wouldn't have them any different. Things were so great in those days and it isn't that I was looking at it through the eyes of youth—it was, they were. Highly different. People were real."

Real, too, was the money that *The Iron Horse* brought in at the Egyptian. With two performances daily and tickets priced at \$0.50 to \$1.50, the first full week's revenues totaled \$26,400. That was roughly twice the theater's break-even point, and making money wasn't even the main point of the engagement. Extending excitement to the West Coast was. Month after month, the movie held its altitude. Finally, after seventeen weeks and total patronage of more than 350,000, *The Iron Horse* had to leave the Egyptian on June 21, 1925, to make room for the June 26 world premiere of Charlie Chaplin's *The Gold Rush*. Audiences didn't want *The Iron Horse* to go. During the final week, almost every performance sold out, bringing in an impressive \$28,370. According to Sid Grauman, *The Iron Horse* was "[o]ne of the greatest pictures I ever saw" and attracted many people who didn't normally go to the movies.

At long last, in the fall of 1925, after a year at the Lyric in New York and having played nowhere else except the Egyptian in Los Angeles, *The Iron Horse* went into wide release in the United States and overseas. Fox unleashed another advertising blizzard—the total

cost would reach \$250,000—via magazines, newspapers, radio, airplanes, and balloons. To help exhibitors, Fox Film offered *Iron Horse* lobby displays, oil paintings, folders, and heralds. These showed up not only in theaters, but also in book, cigar, and drugstores. In Cleveland, a large float was driven though the main streets at night, with spotlights playing on two displays: at the front, a life-size papier-mâché horse painted bronze to resemble iron, and behind it, a log cabin. To attract more studious types, the Cleveland Public Library gave away ten thousand bookmarks advertising *The Iron Horse*.

Europe received equally energetic, imaginative promotion. In Paris, Fox publicists took the city by surprise, mentioning not a word about *The Iron Horse* before hiring men to dress up as porters and sending them to railway and subway stations to distribute two million fake railway tickets advertising the movie. Hotel signs and window cards were also put up throughout the city, and the lobby of the Cameo, where the movie had an exclusive engagement, was decorated as a railway booking office. Maybe they were corny, but the tactics worked. *The Iron Horse* broke attendance records at the Cameo, which had been operating since 1907.

Altogether, *The Iron Horse* grossed an estimated \$2–\$3 million and made 1925 Fox Film's most financially successful year yet. Although a few years earlier *Over the Hill* had come close to that level of profit, it had been essentially a small movie that did big business. *The Iron Horse* achieved all-around greatness. It epitomized Fox's ambitions for the future, and by garnering critical acclaim, it reopened the door for him into the forefront of the industry.

PART III

THE ONE GREAT INDEPENDENT

1925-1929

Renewal

Courage and Confidence. Throughout the history of the world, courage has inspired confidence. Only by courage—and the confidence it has created—has the world moved forward.

—FOX FILM CORPORATION AD, APRIL 1926

Buoyed by the success of *The Iron Horse*, Fox began a radical transformation of Fox Film. Henceforth, he announced in January 1925, he would make only special features and eliminate all "hokum and unreality" from his movies. Lest anyone wonder how Fox Film was suddenly going to acquire an abundance of good taste, he added that the studio planned to form a "best minds" board of experts—Eugene O'Neill, Edna Ferber, Willa Cather, and *New York Times* critic Alexander Woollcott were publicly invited to join—to review literary acquisitions.

That was about as close as Fox would ever get to acknowledging the lowbrow tone of much of the Fox Film output in recent years, and it was difficult to believe. Film Daily columnist Joe "Danny" Dannenberg wisecracked, "They never use hokum in the Fox studio. They never have. Of course Over the Hill, well, that's different. And then too, Tom Mix with his hokum with Tony—well, that's different. And of course, dear old Theda. With her big vamping eyes and tigerish movements—well, that's different." Yet, even such a cynic had to concede, "Bill Fox has always been a delightfully

intriguing character. Full of charm. Full of unexpected nuances. You never quite know what he is going to do. When or how."

Now was one of those times.

Several new hires signaled the seriousness of Fox's intentions. On the creative side, although the news wouldn't be announced for another two months, on January 24, 1925, he signed thirty-six-yearold German director Friedrich W. Murnau to a one-year contract to make his first American film. It was a startling match. An uppermiddle-class intellectual with a PhD from Heidelberg University, tall and quiet and elegant, Murnau stood in the forefront of the German Expressionist movement in film. His first movie, The Boy in Blue (1919), had been based on Gainsborough's famous painting; his subsequent work tended to explore psychological disturbance, with an emphasis on terror and despair. Satanas (1920) depicted the life of the Devil through the ages; Nosferatu (1922), an unauthorized adaptation of Bram Stoker's Dracula, began by asking about the film's title, "Does this word not sound like the deathbird calling your name at midnight?" and went on to show the villainous Count Orlok as a ratlike vampire spreading the plague in the early nineteenth century. Most recently, Murnau had directed The Last Laugh (1924), about an aging Berlin hotel doorman who is humiliated by his demotion to washroom attendant. Fox loved The Last Laugh. With almost no intertitle cards and a lighthearted ending in which the former doorman inherits a fortune from a patron who died in his arms in the washroom, the movie had all the elements that Fox valued: intelligence, innovative craftsmanship, panoramic emotion, and commercial appeal.

In the business realm, in late March 1925, Fox lured James R. Grainger away from his post as sales manager at the industry's second-largest studio, M-G-M. *Motion Picture News* called the move "one of the most important in recent years." The portly, round-faced, extroverted Grainger had close relationships with many of the nation's biggest exhibitors and was also a charismatic boss who "gets 24 hours a day work out of his gang." M-G-M had refused to give Grainger a raise or expanded authority. Fox gave him both, appointing him as head of distribution and sales for the United

States and Canada.* Grainger's arrival virtually guaranteed a broad improvement in Fox Film output because without first-class merchandise to sell, his expertise and connections would be wasted.

Secretly, Fox was working on an even more momentous step: taking Fox Film public. Although for many company founders the prospect of a public stock offering represents an end-of-the-rainbow reward, Fox had little enthusiasm for it. He still equated taking other people's money with having to give up control, which in turn he equated with personal extinction. He would have vastly preferred to continue running Fox Film as his own private kingdom. He had done extremely well on his own. By 1925, Fox Film had amassed \$24.5 million in total assets and had current liabilities of only \$2 million. That growth—a 4,900 percent increase in ten years —had been funded entirely by earnings derived from the company's initial \$500,000 capitalization and not from any additional outside investment. Furthermore, Fox Film had more than \$8.3 million of its assets in cash, the highest proportion of any major movie studio. The company was, commented Motion Picture News, "one of the financial solid rocks of the industry." Still, Fox knew the company's financial structure had to change.

Two main pressures bore down. First, the advent of national prosperity had incited restlessness among the small group of New Jersey financiers who owned 49 percent of the company stock. True, they had received all their money back, plus 8 percent interest, in June 1919, when Fox retired the preferred stock; and true, since then they had received cash dividends of an equal value. In other words, Fox had eliminated all their risk after four years and doubled their money within ten years. However, as long as Fox Film stock was privately held, the investors had only a limited marketplace in which to sell their shares and thus could not benefit from public enthusiasm for the company. They told Fox he had to let the public in and he had to do it now.

Second, Fox understood that the future belonged to the giants, those studios with the resources to make big, flashy movies that they could show in their own large, luxurious theaters. The mid-1920s saw many soaring film budgets: \$1.1 million for United

Artists' *The Thief of Bagdad* (1924), with Douglas Fairbanks; \$923,000 for Charlie Chaplin's *The Gold Rush* (1925); and a staggering \$3.9 million for M-G-M's *Ben-Hur* (1925). Fox had gotten where he was by making primarily tightfisted, low-budget features to serve second- and third-run theaters. *The Iron Horse*, which cost \$400,000 for production and promotion, had been an exception for him. With his current resources, he couldn't afford to make such a movie every time. Neither could he keep turning out the program pictures that he had pledged at the beginning of the year to discontinue. As reviewers had consistently told him in recent years, audiences were no longer willing to tolerate glaringly artificial settings and special effects when more money could have dissolved disbelief. Unless he made more expensive movies, Fox knew, Fox Film would "ultimately degenerate and pass out of existence."

Proud of his achievements, Fox was determined to have it both ways: to expand and to retain control. In restructuring Fox Film in 1925, he therefore created two new classes of stock. The distinction would be crucial in later years: Class A shares would be sold to the public but would have no voting rights, while Class B shares would have voting rights but would remain privately held. The A shares would raise money. The B shares would be distributed among the original investors in exchange for their current holdings* and would protect Fox's power. That is, because he owned 50,101 of the current shares,* Fox would receive 50,101 of the all-important 100,000 Class B shares. He would remain Fox Film chairman and president, with full authority to appoint the company's board of directors. Anyone who bought the Class A shares would have to trust Fox absolutely. If they didn't like his decisions, their only recourse would be to sell their stock.

Yet, Fox meant to make good for new investors. He envisioned them not as the wealthy people they were likely to be, but as secretaries and streetcar conductors, waiters and widowed mothers, members of the great, honest, struggling underclass who yearned to belong to a big dream. He pledged to do his best. In early May 1925, while working out the final details of the public stock offering, he advertised, "Every energy of Fox Film Corporation is

Sadness overshadowed the impending leap forward. On May 17, 1925, Anna Fox died at age sixty-four in Battle Creek Sanitarium in Michigan from the stomach cancer that had long plagued her. If Fox visited his mother at all during the year or two she spent there—perhaps he stopped by on his way to or from Los Angeles, when he spent three months there in early 1925—he wasn't with her at the time of her death. Neither were any of her other children.

Fox had his mother's body brought back to New York for an elaborate funeral in the newly built Fox mausoleum at Mount Hebron cemetery in Flushing, New York. The ceremony did nothing to assuage his guilt. Relatives described him as distraught and inconsolable. He knew he had failed her. He had sent her away to die alone.

The loss of his mother wounded Fox profoundly. Anna Fox had been the central inspirational figure of his life, the first (and for many years the only) person who believed in him. She had seen the inner light of greatness in the young, hopeful boy. She had encouraged him, helped him, and advised him, always with cheerful, boundless love. To her, his dreams were never foolish. When the struggle had seemed too hard, when, for instance, during the dark years of his partnership with Big Tim Sullivan, he despaired and wanted to give up, she had restored his spirit and given him the words that would protect him from further self-doubt: "You must go forward."

Now that voice of faith was stilled. His wife and children were not adequate comfort. Fox believed that the two greatest types of loves, greater even than the love of a man and a woman or the love of a person for his or her country, were a mother's love for her child and a boy's love for his mother. He had modeled all the good mothers in Fox movies after her. A remarkable number of them even looked like Anna Fox—plump, white-haired, round-faced, with kindly smiles.

Fox would never really get over his mother's death. Decades

later, family members said, he still reminisced wistfully about her and bristled at the suggestion that anyone else, even a relative, might resemble her. Now, in the immediate aftermath of the loss, his grief took the form not of tears or of immobilization, but of a frantic burst of activity. It was as if he had to seize his mother's dream for him all at once, or else risk losing it, along with her, forever.

On May 27, 1925, only ten days after his mother's death, Fox went ahead with Fox Film's financial restructuring, officially increasing the total shares from 100,000 to 1 million. On June 15, the new Class A nonvoting stock was admitted to the New York Curb Exchange* and trading began the following day. (Three months later, Fox Film would switch to the New York Stock Exchange, joining Famous Players—Lasky and M-G-M there.) The transaction terms were curiously conservative. Although Fox had authorized 900,000 Class A shares, he released only 400,000 of them*—and of that number, he gave 235,000 to his original investors and to important Fox Film employees such as Sheehan and Wurtzel, to bolster their loyalty. That left only 165,000 Class A shares to be put up for sale through brokers, who paid \$40 per share to Fox Film and charged investors \$43 per share.

Rather than ballyhooing the stock to the public with the sort of magniloquent claims he used to promote his movies, Fox substantially understated Fox Film's worth. He had never revised the value of fixed assets since 1915, but instead listed the studio's two real estate parcels in Los Angeles at the combined price he'd paid, \$525,000, even though the market value had increased about five times. Similarly, despite a \$5.6 million investment from earnings in the foreign sales organization, he carried that part of the business on the balance sheet at only \$1. Also, according to the Wall Street Journal, Fox Film had the industry's most conservative policy of writing off inventory, so that movies that were still earning substantial rentals weren't carried on the books, and contrary to common practice, Fox didn't list any "goodwill" value

on his balance sheet.

The point of the relative scarcity of publicly traded shares, combined with an actual asset value far in excess of stated value, was to ensure that Fox Film's new stock sold out quickly. Fox did not want any of the 165,000 Class A shares to remain in the hands of brokers, who would then have a basis to interfere in operations. The strategy worked. The shares promptly sold out, generating \$6.6 million for Fox Film. By the end of June 1925, the stock was trading at $50\frac{1}{2}$, about a 17 percent increase in only two weeks. By year's end, the price had reached \$85, nearly double the initial asking price.

With new money in hand, Fox tore ahead. Between mid-1925 and the end of 1926, he spent about \$3 million to improve his West Coast studios. By now, he had to admit that he'd been wrong. Despite the \$2.5 million he'd invested only five years earlier to build Fox Film's state-of-the-art headquarters at 850 Tenth Avenue, American film production was not coming back to New York. More than 75 percent of the world's movies were made in Southern California, and most of the best creative talent lived there. In the summer of 1924, he'd started renting out studio space at Tenth Avenue and shifting the rest of filmmaking operations westward. There was no point in holding on to a bad idea, even an expensive one.

Previously, Fox Film's main lot in Los Angeles, at Western Avenue and Sunset Boulevard, had been Tenth Avenue's poor relation, a collection of drab, utilitarian buildings. Now, a \$1 million overhaul resulted in new construction of a large, Spanish-style administration building with a red tile roof and wood trimmings; a block-long reception building; three of the largest movie stages in the world, each the size of a regulation baseball field; a three-hundred-seat, Mission-style preview theater; a new two-story wardrobe building, and even a small hospital with a full-time surgeon and a schoolhouse for fifty child actors. The prop department added \$150,000 worth of new furniture, including

pieces from European palaces, and on the second floor of the new administration building, Fox installed a twenty-thousand-volume research library, anchored by the newly purchased \$100,000 George Ingleton rare document collection.* With elaborate new gardens planted all around, Western Avenue emerged as a smart, modern showplace where anyone would be proud to work.

Finally, Fox also began developing the one-hundred-acre plot of West Los Angeles farmland that he had bought in May 1923, only to find himself stymied by bureaucratic delays. The last remaining objection was from University of California officials, who were about to buy land nearby for the future UCLA campus and didn't like the idea of having a motion picture studio in the vicinity. In August 1925 the university site advisory committee told Fox that a \$25,000 donation might change their minds. After Fox sent his check, the wheels of government started to turn. Although in October 1925, the Los Angeles Planning Commission put the Fox property in Zone A, for residential use only, commission officials recommended that the studio apply for an exception. Fox Film did so, and on December 29, 1925, the company received permission to build a motion picture studio. That outcome was actually preferable to having the land placed in Zone D, for industrial use, because it gave the studio a far better class of neighbors.

At a cost of \$2 million, the "Fox Hills" lot, as it was then called, was intended as an outdoor location studio, cheaper in the long run than actually going on location—which Fox had always hated to do—and able to accommodate almost as much variety as the world itself. In only a year, workers built permanent sets of Spanish, French, Irish, German, and Siamese (Thai) villages, an English estate, a Bolivian jungle, an Aztec temple in Mexico, and a replica of the Arc de Triomphe. There was still plenty of room left over on the site, a fact that would soon matter for Fox's resurgent conquering ambition.

Nationwide, Fox Film's sales and distribution offices were expanded and refurbished. The new Los Angeles exchange building, on Vermont Avenue not far from the Western Avenue lot, was considered the best in the business. Done up in Spanish Mission

style, it had imported Italian tile floors, a state-of-the-art projection room, and all new furnishings. Not a lamp or a chair or a filing cabinet had been transferred from the old office—only business records, advertising materials, and film. In an industry where images rather than words had to convey the greatest meaning, the thorough renovation of Fox Film testified to a majestic vision.

None of it—not the new personnel, not the first-class facilities, not the shining financial profile—was going to matter unless Fox also acquired a substantial number of first-run theaters in which to show his movies. The trend toward vertical integration, that fear-driven desire of producers to control distribution and exhibition, was now firmly entrenched, and the federal government's best effort to curtail it, the 1921 antitrust lawsuit against FPL, had by 1925 crumbled. After Calvin Coolidge's arrival in the White House following Harding's sudden death from heart trouble in August 1923, the U.S. Justice Department softened up considerably on antitrust prosecution. FPL lawyers were allowed to make their case that the company had a right to sell its products directly to the consumer without an expensive middleman and to argue that if Henry Ford could sell his cars through Ford dealerships, then FPL should be allowed to present its movies in company-owned theaters. It helped, too, that while government investigators were rooting around for evidence, FPL founder Adolph Zukor "acted like a good boy; he stopped buying theatres and booked in his theatres many outside productions." Gradually, the government discarded all allegations made in the original indictment against FPL except that of block booking, the practice of requiring exhibitors to take bundles of movies that packaged the bad in with the good.

After testimony taking ended in September 1924, Zukor felt so confident of victory that he immediately went back to his old ways and launched "a theater-buying orgy" that pushed Fox further into a corner. (In fact, the antitrust case wasn't over yet. It would reopen in 1926 to take additional testimony, and final arguments would not conclude until January 27, 1927, but in substance, Zukor was

right. The lawsuit had lost all its teeth.) In May 1925, FPL announced that it had acquired the Olympia Theatres chain, which operated thirty-eight movie theaters in New England and also owned half of another chain that controlled forty theaters in the region. The deal, estimated at \$12 million, seemed blatantly defiant of the rules of fair play. With no solid evidence, *Harrison's Reports* wondered if Zukor had bought off federal officials via "a trail of black satchels that stretches from Wall Street to Washington."

Fox's peers were taking steps to protect themselves. M-G-M, the second-ranked studio, was sheltered by its parent company, Loew's, Inc., which operated a deluxe theater circuit nationwide, yet also took care to maintain a friendly, subservient posture toward FPL. (Conveniently, in January 1920, Zukor's daughter, Mildred, had married Marcus Loew's son Arthur.) In late 1924, unveiling his company's \$11 million plan to build its own national theater chain, Warner Bros. president, Harry M. Warner, said, "We are taking off our coats to do battle." Universal was also aggressively hunting for theaters to buy and, having gained control of at least one hundred, would, in late 1925, announce its goal of acquiring a total of more than a thousand.

No wonder: by 1925, theater ownership had become the main stabilizing force in the highly expensive, highly risky business of film production. Not only did company-owned theaters provide a safe harbor for a studio's output—and with theaters becoming larger and more luxurious, they often exerted as much of a pull as the movie itself, compensating for weak material—but also theaters, whatever movies they played, were cash registers brimming with money. Among more than twenty thousand U.S. movie theaters, with total weekly attendance of fifty-five million, annual paid admissions now exceeded \$700 million. As Adolph Zukor said in a 1925 interview, "The exhibiting end of this business is the best end —by far. It is about time someone said so and said it fearlessly. It is the stable, substantial, profitable side. Production is pure and simple speculation; stars are grief and worry."

At the outset of 1925, Fox owned only about thirty-one theaters. Most of them were in the New York metropolitan area and most of them, however impressive they once had been, were now too small and faded to count for much. Only two qualified as truly competitive in the contemporary market, the Fox theaters in Philadelphia and Oakland, which Fox had built only because he could not otherwise get his movies shown in those cities.

Once again, money changed everything for Fox. As soon as Fox Film's public stock offering gave him \$6.6 million, he went after West Coast Theaters, a chain of 115 movie theaters along the Pacific Coast. With gross earnings of \$9.5 million in 1924 and a half interest in Grauman's Egyptian Theatre in Hollywood, where *The Iron Horse* had premiered in February 1925, West Coast Theaters dominated first-run exhibition in Southern California. Acquisition of the chain would solve a major problem for Fox. Other than with *The Iron Horse*, he had never had much success booking his movies on the West Coast.

Fox learned about the West Coast opportunity through Alfred Cleveland Blumenthal, a go-getter Los Angeles real estate agent of checkered reputation. Fox had known Blumenthal for years—"You could hardly ride a square mile in Los Angeles without seeing a sign that read, 'This property for sale. Apply to A. C. Blumenthal'"—but had long avoided him because mutual acquaintances described Blumenthal as shady and unreliable. Then, in mid-1924, Fox dealt with Blumenthal when he took over the lease on a downtown Los Angeles office building where he planned eventually to build one of his "super theaters."* "Blumenthal got under my skin," Fox said. Perhaps he recognized a kindred spirit. The son of a San Rafael, California, grocer, Blumenthal was another restlessly ambitious dreamer. "Blumey," as his friends called him, may also have activated Fox's father figure tendencies. Eleven years younger than Fox, he stood only about four foot ten.

In late June 1925, Blumenthal told Fox that West Coast Theatres' four major stockholders, Adolph Ramish, brothers Mike and Abe Gore, and Sol Lesser, were fighting among themselves and wanted to sell the company. Even better, Blumenthal confided, just

this weekend he had been on board Marcus Loew's yacht playing bridge with Lesser, who owned 30 percent of West Coast Theatres' stock. When Blumenthal asked if he would sell his shares for \$1 million, Lesser said yes.

With characteristic brio, Fox took Blumenthal on Monday morning to the lobby of the Ambassador Hotel to wait for Lesser to return to his room there. As soon he came through the revolving glass door, Lesser recalled, "Fox reached out his hand and shook mine, and before I could even say hello, he said, 'I've bought your stock in West Coast Theaters for \$1 million cash!'"

But it wasn't going to be quite that easy. Lesser had been joking when he said he would sell his share of West Coast Theatres. Still, a million dollars was a million dollars. Lesser agreed to meet with Fox that afternoon, and when he did, he was astounded to hear about the rest of Fox's offer. In addition to paying \$1 million in cash, Fox would go in with Lesser on a fifty-fifty basis to establish a theater in any town in which West Coast didn't have a theater. He would finance any picture Lesser wanted to produce on a fifty-fifty basis. He would pay Lesser \$1,000 a week, with a guaranteed five-year contract. It was an incredible deal for thirty-five-year-old Lesser, who had never dreamed of such success.

Lesser felt honor bound to discuss the matter with his partners. That seemed a mere formality. The Gore brothers and Adolph Ramish were also willing to sell, and when the whole group sat down in Fox's office in New York a few days later, Fox was so confident of success that he had a lawyer and a stenographer ready to draft the sale contract. He was now prepared to pay \$8 million for all four partners' West Coast stock.

Within hours, the deal blew up. Mid-morning, the phone rang for Abe Gore, who ran out without his hat and coat and never came back. Around 2:00 p.m., Lesser's brother arrived and pulled Lesser out into the hallway. Lesser, too, left behind his hat and coat and never returned. The next Fox knew, Lesser and both Gores had backed out of the deal.

Only the older, more seasoned Adolph Ramish sold his West Coast Theatres stock to Fox. He did well, exchanging his 45,000 shares (representing one-third ownership of the company) for \$2.25 million and clearing a profit of nearly \$1.6 million. Fox was bitterly disappointed. Although Ramish's stock entitled Fox to a seat on West Coast's board of directors, 100 percent control would have made Fox "without doubt, the outstanding theatre operator on the coast."

In perspective, the outcome should not have surprised Fox. West freestanding company. a Theatres wasn't crisscrossing stock ownership, it was one of the most important components of the First National theater consortium.* When First National officials learned that Fox was about to buy West Coast Theatres, they panicked and rushed to New York. It was they who had pulled Abe Gore and Sol Lesser out of Fox's office. In Lesser's case, Ernest V. Richards, a New Orleans theater owner and one of First National's founding members, had been waiting in a taxi around the corner. Lesser recalled, "I sat with him in the taxi for over an hour while he spun a most heroic tale. He spoke as an idealist would of the significance of my remaining as a leader of the motion picture exhibition field, of the necessity of combating evil influences such as Mr. Fox, who had ambitions to gobble up First National, how I would be a traitor to my fellow members if I were responsible for letting Fox get into the organization."

As Lesser later discovered, that was merely a fanciful tale. In fact, First National wasn't really First National anymore. It had become a front for Adolph Zukor, who, having set out six years before to smash First National, had already done so and was now pulling the organization's strings from the outside. In July 1925, Variety estimated that Zukor's FPL either owned or had significant financial influence over about 59 percent of First National's theaters and commented, "[T]o look upon First National and Famous as actually opposing each other is just a gag." Ernest Richards, who had worked on Lesser, was essentially Zukor's errand boy. Zukor owned 40 percent of the Saenger Company, the theater circuit run by Richards—nearly ten times as much as Richards himself, who was the next-largest stockholder. Thus, it hadn't really been First National, but rather FPL, that sabotaged Fox's attempt to buy all of

Feeling double-crossed, Fox at first refused to speak to Lesser. "After the excitement died down, I called on Fox and told him the reasons for my not selling to him. I'll never forget his prophecy," Lesser would recall forty-six years later. "He said, 'You're too trusting, my boy. If any of them [others in the First National network] get the chance to sell and can work out a deal like I've offered you, they'll sell and nothing will keep them from it.' Well, how true!"

Worried that Lesser and the Gore brothers might reconsider Fox's offer, First National executives pressured them to pool their West Coast stock in a voting trust, the governing board of which was chaired by Ernest Richards. That meant they couldn't sell without permission. Then, about a week after that arrangement was settled on July 7, 1925, a curious event took place. The owners of the sixty-nine-theater Chicago-based Balaban & Katz theater circuit, which owned the First National franchise for Illinois, were revealed to be negotiating a merger with FPL. The deal, finalized in September 1925, was the biggest theater merger in history and led to the creation of FPL's mighty Publix Theatres. Although Balaban & Katz was at least as important to First National as West Coast Theatres, First National's leaders didn't utter a word of protest. Of course not. Adolph Zukor, as the force behind First National, was not going to object to a sale to Adolph Zukor as the head of FPL.

Disgusted by the swift betrayal of those whom he had refused to betray, marginalized within West Coast operations, Lesser had no heart to continue. In early 1926, he sold out (on terms much less attractive than those Fox had offered) to a newly formed Wall Street syndicate composed of First National executives and bankers and the Gore brothers. Through First National, FPL now had indirect influence over West Coast Theatres.

So, there he was again, Fox's main rival to rule the motion picture industry: the perfectly groomed, tightly wound, poker-faced Zukor, watching everything and missing nothing.

Although it was far less than he wanted, Fox's one-third ownership of West Coast Theatres paid off quickly. Within two months, Fox Film had booked its movies into about 85 percent of West Coast's theaters in California, with projected additional annual income of \$800,000. That result propelled Fox into a cyclonic program of theater buying and building. City by city, he unleashed whatever money was necessary to establish an imposing presence.

In New York, he started construction of a new \$1.5 million, 3,800-seat Academy of Music directly across Fourteenth Street from the old Academy of Music, which the owners had recently sold to the Consolidated Gas Company. The new building, meant to serve as the anchor for a nationwide chain of Fox "super" movie theaters, showed how far Fox had come: the new Academy of Music would encompass the site of Big Tim Sullivan's firetrap Dewey Theatre, where in 1908 Fox had taken his first steps into the forefront of the entertainment industry.

In Washington, DC, Fox outbid Adolph Zukor for the right to run the 3,200-seat movie theater, under construction in the fall of 1925, in the new National Press Club building. It would be the city's largest theater; Fox promised \$200,000 annual rent for thirty-five years. In November 1925, he began building a five-thousand-seat theater in St. Louis. In December 1925 he bought into the nineteen-theater Ascher Brothers' chain in the Chicago area and confirmed plans to build fourteen deluxe, five-thousand-seat Fox "super theaters" in major cities. Sites had already been acquired in Boston, Detroit, Chicago, Buffalo, San Francisco, and Los Angeles.

For all the deals that went through, many others failed. Within the last six months of 1925, Fox unsuccessfully bid for the Mark Strand theater circuit in New York and Massachusetts; the Whitehurst chain in Baltimore; the Jensen and Von Herberg circuit in the Pacific Northwest; the Crandall circuit in Washington, DC; and for \$7 million, his arch rival in the Philadelphia area, the ninety-theater Stanley Company of America. In November 1925 he reportedly tried to buy Universal Studios, but negotiations fell through when Carl Laemmle refused to let him examine Universal's books.

Between September 1924 and the end of 1925, Fox had acquired an interest in 162 theaters, outpacing all his rivals. Accordingly, Fox Film's rentals surged. Between September 1 and November 28, 1925, profits more than doubled compared to the same period in the previous year, rising from \$437,000 to \$954,000. By December 1925, the studio's assets had grown to \$26.7 million, up 9 percent in six months. *Motion Picture News* commented, "There's more talk along Broadway right now about the Fox Film Corporation than any other concern."

Although Fox's sole purpose in acquiring theaters was to gain more and better outlets for his movies, he couldn't very well acknowledge this publicly. A laissez-faire climate might now prevail, but Fox understood how quickly and capriciously the moods of government might change. If he were to get caught in an antitrust prosecution, even if he were to win, the consequences would be severe. FPL had spent hundreds of thousands of dollars defending itself in the lawsuit filed against it by the Federal Trade Commission in 1921. An appearance of separation between production and exhibition was essential.

Consequently, on November 4, 1925, Fox created the Fox Theatres Corporation and turned over to it all the theater interests he'd bought on behalf of Fox Film as well as the thirty-one theaters he'd personally owned and operated as separate companies. Of course, Fox became president and chairman of the board of Fox Theatres. This time he avoided the mistake he'd made with Fox Film—that of giving away any portion of control. Like Fox Film, Fox Theatres had two classes of stock: nonvoting A shares, which would be sold to the public, and B shares, which would have voting rights but which would remain privately held. Fox took all 100,000 B shares of Fox Theatres himself, ensuring absolute authority.

Fox also took 300,000 Class A shares as the remainder of his compensation for his theater properties and then put another 500,000 A shares up for sale to the public at \$25 apiece. With \$3 per share subtracted for the brokers' commission, Fox Theatres

quickly brought in \$11 million.

Outwardly, Fox Theatres seemed to be a proud new addition to the Fox business family. Actually, the company was more like a second child conceived to save the life of the first. Fox didn't want it for its own sake, and he didn't feel the same affection for it. With Fox Film, he had always been fiercely protective about the company's financial profile and its reputation as a well-run business. Every possible penny had to show up on-screen; all executives were paid relatively modestly, and all expenditures were rigorously scrutinized. Fox Film's books had to be scrupulously clean, and they had to be known as such.

No so with Fox Theatres. The company's initial public offering was handled mainly through Eisele & King, the Newark, New Jersey, brokerage firm that had negotiated the start-up of Fox Film and whose cofounder John C. Eisele was Fox Film's treasurer. At a meeting in early November 1925, the Fox Theatres board of directors entered a secret agreement requiring Eisele & King to return 25 percent of its \$3-per-share commission. The arrangement wasn't necessarily illegal,* but it was shady, and Fox knew it. At first, he planned to have his name on the kickback checks. Then, concerned about the way that would look to brokerage employees, he changed the payee to a person identified merely as "Tauszig" and ambiguously referenced as both "he" and "she." "Tauszig" was, in fact, Fox's elder daughter, Mona Fox Tauszig, and out of a total of \$1.5 million in brokerage commissions, she ultimately received about \$411,000.

If anything, the commission rebate should have gone back to Fox Theatres, not into Fox family private pockets. It was the first time Fox had behaved in an underhand way with company finances.

It wasn't the money he wanted. If that had been the case, he could simply have awarded himself a handsome compensation package to run Fox Theatres and justified it by the weight of responsibility. Fox, however, refused to take either any salary or profit percentage from Fox Theatres, and he would never charge any personal expenses to the company. He was wealthy enough already, he said, and would be content to profit only to the extent

that the company did, as reflected in stock dividends and price appreciation. While it was true that upfront he had received 400,000 shares of Fox Theatres stock worth \$8.8 million, that amount represented the independently appraised value of the properties he had given in exchange. In effect, Fox paid himself only what he would have had to pay an outsider for an essential block of assets, and he then volunteered to run the company for free. He was satisfied enough with the arrangement that in 1926 he discontinued his \$200,000 annual salary at Fox Film. As at Fox Theatres, he took no percentage of Fox Film's profits and charged no personal expenses to the company. He later explained, "I was paying for the privilege of being president of these two companies."

Not the money, then, but the egregious lack of economy—that was what irked Fox about the brokers' commission. Eisele & King had done nothing to contribute value to the Fox Theatres stock, nor would they do so in the future, and they almost certainly would face no risk of getting stuck with unsold stock. (Brokers were required to take up any part of the stock issue not bought by the public.) William Fox had made Fox Film a tremendous success, and he promised to do the same for Fox Theatres. Those facts alone would sell the new stock.

So Fox believed, and he was right. Although the Fox Theatres' issue was then the largest individual stock offering for a theatrical company in the history of Wall Street, advance demand more than doubled the amount of stock available, and allotments had to be made. For the second time in a matter of months, the financial markets vigorously endorsed Fox's vision and ability.

With millions of dollars to spend, Fox Theatres rampaged into 1926. By midyear, the circuit controlled ninety-three theaters, including seventeen first-runs, and had a 50 percent interest in seventy-eight First National theaters. Additionally, Fox "super" theaters were planned for Passaic, New Jersey; Detroit; St. Louis; Kansas City; Baltimore; Atlanta; Los Angeles; and San Francisco. On October 11, 1926, the New York flagship, the new Academy of Music, had its

grand opening, revealing French Renaissance architecture, a marble lobby decorated with tapestries, and its own symphony orchestra.

In the public mind, the rapid ballooning of Fox Theatres pushed Fox uncomfortably close to the rapacious Adolph Zukor. Fox insisted he was different. In many ways, he was. As he had with Sol Lesser, Fox usually made generous offers for the theaters he wanted. He knew what kind of dreams most exhibitors had tied up in their business, and he preferred to use friendly persuasion rather than predatory coercion. Still, the ferocity of his ambition stirred doubts. When, for instance, Fox pledged that if other exhibitors gave Fox movies "adequate and fair representation," he would not build a rival theater in their town, "no matter how tempting the proposition," it was difficult to tell how much he meant the statement as a promise and how much as a threat.

"Fighting Bill Fox," *Film Daily* called him. "Bill Fox won't let anybody hog the show. There will be a Fox theater in every big city in this country if the need exists."

"The Wonder-Thing"

It was all for the sake of the movies. All the buying and building, all the getting and giving of money, all so that he might return to a position of creative leadership. After more than twenty years in the business, Fox was still enchanted: "To me, the film always remains the wonder-thing."

No more hokum: Fox movies really did improve during 1925 and 1926. Although the "best minds" review board never materialized—evidently, O'Neill, Ferber, Cather, and Woollcott had better things to do than moonlight in the movie business—money and new studio facilities compensated well enough. High-quality filmmaking talent continued to arrive at Fox Film, so that by the spring of 1926 the studio had some twenty-five staff directors. Among them were Howard Hawks, whom Sol Wurtzel had found on the golf course, unemployed after quitting his job as an assistant director at M-G-M; Allan Dwan, known for his Gloria Swanson and Douglas Fairbanks movies; and a name from the past, Raoul Walsh, who had left Fox Film in 1920 because of Fox's constant meddling and had gone on to direct for First National, Goldwyn, United Artists, and Famous Players—Lasky. Lured by a promise of great stories, Walsh returned to Fox Film in February 1926.

No more penny-pinching, either: Fox nearly doubled the studio's production budget, increasing it from \$6.6 million in 1924 to \$8.2 million in 1925 and then to \$12 million in 1926.

The most immediate beneficiary of Fox's largesse was John Ford.

Extraordinarily talented, the director also had extraordinarily good timing. He had proven himself with *The Iron Horse* when Fox had needed a breakthrough movie, and now—with F. W. Murnau's arrival in the United States delayed until July 1, 1926, by contractual obligations at Germany's UFA studios—he was in the best position to profit from Fox's ardent desire for a new genius director. So much did Fox need someone to believe in that he continued to support Ford wholeheartedly even though the five movies he directed after *The Iron Horse* were all financial disappointments.

Lightnin' (1925), based on a record-setting, long-running Broadway play about a brawling long-married couple, evidently intimidated Ford with towering expectations. He copied the play slavishly and ended up with a broad comedy marred by "crude and farfetched" clowning. Kentucky Pride (1925), told from the point of view of a horse, was essentially another Fox Film "mother love" tearierker, an equine version of Over the Hill where a young male horse wins a high-stakes race and saves his mother from an abusive owner. Despite cameo appearances by some of the biggest names in horseflesh—among them, Man o' War, in his feature film debut, and Morvich, winner of the 1922 Kentucky Derby*-Kentucky Pride did poorly at the box office. Then came The Fighting Heart (1925), an undistinguished story about a prizefighter (Iron Horse star George O'Brien) from an alcoholic family; and then the "tepid, draggy," "silly, dull," Thank You (1925), about an underpaid clergyman. Ford's first release in 1926, The Shamrock Handicap, was no better, hampered by a far-fetched plot wherein a partially paralyzed Irish immigrant jockey cures himself by riding a horse to victory in a big race. Five consecutive letdowns: in his early thirties now, Ford was struggling to define his creative vision under Fox's intensely hopeful gaze.

Nevertheless, Fox continued to proclaim "the genius of John Ford." It helped that *The Iron Horse* did roaring business when it went into wide release on October 4, 1925. It helped also that Ford managed studio politics astutely. When asked by *Film Daily* in June 1925 to name his greatest movie, he chose *The Iron Horse* and

handed credit up to the top: "Whatever success is attained by the picture is due largely to the remarkable facilities placed at my disposal by William Fox."

In mid-1926, Ford hit his stride again, in no small part because Fox gave him the best possible chance to do so, with 3 Bad Men, the historical sequel to The Iron Horse and the concluding episode in the trilogy that Fox had envisioned unfolding from FPL's The Covered Wagon. A love story, 3 Bad Men takes place amid the 1877 land and gold rush in the Dakotas and reportedly cost \$800,000. Ford spent eight months filming in then-remote Jackson Hole, Wyoming, using more than 3,000 Native Americans, 1,500 cowboys, 2,500 horses, and a specially built reproduction of the town of Custer.

Making the most of Fox's vote of confidence, Ford learned from the mistakes of his five previous movies and came back with a tour de force that grandson Dan Ford calls "quite possibly his best silent film." Indeed, compared to The Iron Horse, 3 Bad Men has tighter dramatic construction, faster telegraphing of character, and a more nuanced perspective on history. Unabashedly sentimental, the movie follows the romance of two young westward travelers, Irish immigrant cowboy Dan O'Malley (George O'Brien) and former Virginian Lee Carleton (Olive Borden). After would-be horse thieves murder Lee's father, she is rescued by a trio of thieves who are wanted throughout North America. The leader of these "three bad men" decides that Lee needs a husband, and the obvious candidate is Dan. Outwitting the villainous, white-hatted sheriff (Lou Tellegen) who runs the gang that killed Lee's father, the three criminals ensure the young couple's safe passage to a plot of farmland rich with "harvests of golden grain!" The bad men die in the process, yet their spirits survive. At the end of the movie, three silhouetted figures look from a distance toward the O'Malley home —where Dan and Lee now have a baby son named after all of them. Then the "bad men" literally ride over the hill into the sunset. In Ford's view, consistent with Fox's idea of his own life, it's the outsiders who build America while institutional authority tends toward corruption and stagnation.

Technically as well as thematically sophisticated, 3 Bad Men is

filled with lively visual imagery. One standout scene, set in a barroom, shows the two lesser bad men following a portly patron who is walking forward briskly while the camera pulls back fluidly at a matching pace. Then, just as the first man seems about to break through the screen, a bar cart zooms in from the left to block his path and fill the bottom portion of the frame. The sequence adds nothing to the story, but it's delightful, and Ford doesn't press his luck with the audience's patience. He gets the whole business done in a matter of seconds and moves on.

Yet, 3 Bad Men isn't entirely timeless. The movie falters in its step across the decades not because of its lack of sound but because of intertitle card references, given in dialogue by otherwise likeable characters, to "Dagoes" and "Chinks." That was probably Fox's fault rather than that of Ford, who signals his sympathy for marginalized others with an early scene of an American Indian watching helplessly as hordes of white settlers surge across his people's land. Fox movies were routinely titled in New York after directors shipped their cut. For 3 Bad Men, Fox assigned Ralph Spence, the snappy title writer who had successfully rewritten Mark Twain for A Connecticut Yankee. Ford would have had no authority to challenge Spence's work. Fox, of course, could easily have excised the racist language—but racism was just the sort of ugly fact of American life that he was content to ignore until it hit too close to home in the form of anti-Semitism.

If *3 Bad Men* didn't cause the same commercial sensation as *The Iron Horse*, probably because there was so little breathing room between the two movies, it did well enough. Nationwide, exhibitors reported spellbound audiences, and critics pronounced *3 Bad Men* an artistic triumph that established John Ford "among the elect" of Hollywood directors.

Fox Film had an even greater success during these transitional years. What Price Glory (1926) was more than a spectacular movie about history. It was history, an event of public conscience that called upon audiences to acknowledge what many knew already

from experience, that the recent world war had been nothing so much as a tragedy. It took courage to make the movie. Although the play version of *What Price Glory* was still running successfully on Broadway when Fox paid \$100,000 for the film rights, M-G-M had already told the same basic story, about two U.S. soldiers on the battlefield in France, in its hugely successful *The Big Parade* (1925), which had been written by *What Price Glory*'s co-author, Laurence Stallings, a marine veteran who had lost a leg in battle in France. Named by the *New York Times* as the best movie of 1925, *The Big Parade* took in a record \$6 million at the box office. Skeptics predicted that the topic had been exhausted and that movie audiences would never want to revisit it from the darker perspective of *What Price Glory*.

Yet Fox was determined not to soft-pedal the horrors of war, as in many ways *The Big Parade* does. *What Price Glory* was something of an expiation for him. He had played a part in the deception, making jingoistic pro-war movies even though secretly he had been horrified by the war's devastation of property and human life. Trusting that others felt the same sense of incompleteness regarding this most significant public event of their lives, Fox decided it was time to tell the truth.

Great stories, he had promised Raoul Walsh to lure him back after six years' absence, and so he gave *What Price Glory* to Walsh as his first assignment upon his return. The movie took more than seven months to make on the Fox Hills outdoor lot, where, following a relief map prepared by the U.S. Army Signal Corps, the studio built a replica of the northern French town of Bouresches and its surrounding area. For further accuracy, several times a week Walsh, the principal actors, and many extras watched thousands of feet of film borrowed from the British and French war departments.

The end result was a tougher, grittier version of the war than *The Big Parade* had dared to venture. Handsome, elegant Sergeant Quirt (Edmund Lowe) and tattooed, fun-loving Captain Flagg (Victor McLaglen) are U.S. Marines who, after serving together in China and the Philippines, arrive to fight in France. In scenes of romantic comedy, Flagg and Quirt compete for the affection of the

beautiful Charmaine (Dolores del Rio) in the town where their unit is stationed. Yet, because history has sent them into a "rain of blood and steel," they must also endure trench warfare, night raids, and artillery engagements. The images are unflinching and relentless: fiery explosions lighting up the sky; thick clouds of smoke; showers of sparks; poison gas attacks; rifles planted upside down next to barren trees; a background of destroyed buildings. The Big Parade had offered viewers a happy ending, with its American solider hero reunited in peacetime with his French sweetheart. What Price Glory concluded ambiguously. In the final scenes, a wounded Quirt has won the love of Charmaine and, because of his injury, is not included in new orders to return to battle. Yet, he is a soldier. Hearing the bugler's call, Quirt stands up straight and calls out to Flagg to wait for him. An anguished Charmaine watches from the doorway and says, "They came back once—they came back twice they will not come back three times." The last scene shows the battalion marching off rapidly, with Flagg supporting Quirt, the two laughing, heading toward likely death.

What Price Glory became an instant sensation. At the world premiere in Los Angeles at the Carthay Circle Theatre on November 19, 1926, "Applause came fast from every part of the house." Four days later, when the movie opened in New York, at the Sam H. Harris Theatre, on Forty-Second Street, first-night spectators—who, along with Fox, included Mayor Jimmy Walker, Gloria Swanson, Florenz Ziegfeld, and Mr. and Mrs. Rube Goldberg-"found themselves gripping their seats." As Fox had envisioned, the movie's blunt force was its greatest strength. Carl Sandburg, in his Chicago Daily News review, called What Price Glory "a masterpiece" that would "shake the whole emotional structure" of the viewer: "It's war as real as you'll ever see it, and withal it's a sermon on peace, for in it you'll find, as nearly as you'll ever find, the answer to that question-what price glory, anyway?" Motion Picture News called it "beautiful in its savage simplicity" and "Fox's greatest triumph." Film Daily named What Price Glory "undeniably" the best movie of 1926. Altogether, What Price Glory took in \$2 million.

The money and the acclaim benefited longtime Fox executive

Winnie Sheehan. Since the spring of 1925, when Fox hired James Grainger to take over Sheehan's role as head of Fox Film sales, Sheehan had been on tryout as head of West Coast production. What Price Glory was a test case. Although Fox retained final creative authority, Sheehan supervised the movie at ground level, and studio publicists aggressively touted him as the executive in charge. Somehow, it didn't seem to matter to Fox that Sheehan didn't really understand What Price Glory. Until he read the reviews, Sheehan kept insisting that the movie was mainly a comedy and that battle scenes were a relatively minor element. He went so far as to clock the movie for laughs, counting seventy-four of them.

To Fox, success was all that mattered. In the fall of 1926, Sheehan officially became head of production for Fox Film, stationed at the Fox Hills studio and overseeing Sol Wurtzel's Western Avenue operations as well. Wurtzel took the insult as he took all insults from Fox, with his head bowed and no word of protest. He had been a clerical employee before Fox made him a studio head and, having recently marked his ninth anniversary as West Coast superintendent, he had the longest tenure of anyone in a similar position in Hollywood. At least he hadn't lost his job or his title. Besides, no one else was knocking on the door to hire him.

Not only experienced hands like Ford and Walsh, but novices also found a remarkably supportive atmosphere at the revamped Fox Film. Director Howard Hawks failed miserably with his first movie, *The Road to Glory* (1926), which he also wrote, about a young woman who loses her faith in God after going blind and suffering the death of her father. *Motion Picture News* savaged the movie as "poorly directed . . . to the slushy verge of sheer absurdity" and predicted that it would evoke a "horse laugh" from any thinking audience. Even Hawks thought the movie was "pretty bad." He wasn't fired or even demoted. Wurtzel merely advised him, "[F]or God's sake, go out and make entertainment." Hawks's next project, *Fig Leaves* (1926), a romantic comedy about modern-day newlyweds Adam and Eve (George O'Brien and Olive Borden, both from John

Ford's *3 Bad Men*), splashed money on the screen. One highlight was a Technicolor fashion show in which Borden wore an alleged \$50,000 worth of costumes designed by the soon-to-be-famous Adrian. According to Hawks, *Fig Leaves* made all its money back in one theater. He was off and running.

Other bright spots among Fox Film's 1925–1926 releases included Frank Borzage's first movie for Fox, Lazybones (1925), which took Buck Jones out of his usual cowboy action movies and cast him as a small-town, good-hearted no-account who shapes up after he adopts his sister's daughter, Kit. Except for the fact that the story sidles up to the broad definition of incest by having Lazybones (Jones) plan to marry the grown-up Kit, until he realizes she loves a man her own age, the movie exudes low-key charm and "fairly radiates sympathy and human interest." The Johnstown Flood (1926) introduced young ingénue Janet Gaynor, recently hired by Fox Film for \$100 per week, and, in footage shot at the Fox Hills lot, had "the most daringly spectacular flood scene ever filmed." Several other titles showed that Fox was once again reaching up to the higher shelves of literature: The Ancient Mariner (1925), based on the Coleridge poem and improbably starring Clara Bow, and The Silver Treasure (1926), an adaptation of Joseph Conrad's Nostromo.

As he fixed his hopes on new directors and better stories, Fox discarded the stalwart, gentlemanly J. Gordon Edwards, who had directed most of Theda Bara's movies and the 1921 Betty Blythe hit *The Queen of Sheba*, but who hadn't made a successful movie since. Edwards belonged to the past, and Fox had no interest in looking backward. It was a tough world, he told *Moving Picture World* editor W. Stephen Bush: "Your exhibitors are hard-headed, cold-blooded business men . . . If Fox helps them to pay the interest on their mortgage, why, they will take his pictures, and if someone else in their judgment does better, they don't hesitate a moment to make the switch. No, there is positively no sentiment of any kind in this business."

In the late spring of 1924, after Edwards finished editing It Is the

Law, Fox quietly let the director go. Edwards wasn't ready to leave. He still wanted to work; moreover, he still needed to work because he had stock market debts that would soon reach nearly \$350,000. He wasn't, however, the type to protest. Instead, shortly after his dismissal, the modest, self-effacing Edwards went to Hollywood to look for another job. Having directed more than fifty movies for Fox Film, he had no strong contacts elsewhere, and it was too late to cultivate them. No one wanted him. He then went to Europe for ten weeks and got the rights to the play *The Jest*, which he planned to direct for his own company, Edwards Productions. He never even got started. Instead, he returned to New York, and in early 1925, a report circulated that Fox had taken him back, as a supervisor of directors—perhaps there was some sentiment in this business after all. A few months later, Fox evidently gave Edwards 3,000 shares of the new Fox Film Class A nonvoting stock.

The arrangement didn't work out. By the end of 1925, no longer employed at Fox, Edwards was preparing to go back to Hollywood for another round of job hunting. On Christmas Day, when he was scheduled to check out, fifty-eight-year-old Edwards died in his room at the Plaza Hotel. The official cause of death was pneumonia. *Photoplay* diagnosed his ailment differently: "A broken heart."

There were no tributes in trade papers, no commemorative ads or posthumous acknowledgments from Fox Film of all that J. Gordon Edwards, one of the great pioneering film directors, had contributed to the studio's success. Neither did the studio send out any press releases extolling Edwards's accomplishments. Cobbling together information readily at hand, most publications ran only short obituaries, some just a few lines long. *Film Daily* was more generous, providing a two-paragraph, front-page death notice and, a week later, a four-sentence encomium that called the director "A prince among men; one of the finest who ever entered into this business of motion pictures." Then history moved on. If his longtime employer couldn't be bothered to remember Edwards, why should anyone else?

No more hokum: not entirely—at least, not yet. Fox had gotten very good at formula-driven, melodramatic movies, and they still made money. Such habits were hard to break.

Here, once again, was the usual contingent of racy but often irrelevant titles. *The Hunted Woman* (1925), for instance, was a Western shoot-'em-up about crooks trying to steal a gold claim, while *She Wolves* (1925) focused on a young wife who is disappointed to learn that her husband isn't a debonair man-about-town. Here also was Fox's fallback stock-in-trade, sex, offered as "folly, reckless living, passion unshackled" in *The Dancers* (1925); as moralizing melodrama in *Scandal Proof* (1925), about a working girl wrongly accused of murdering a wealthy cad at a wild party; and as a lighthearted "lingerie" romp in *Summer Bachelors* (1926).

Furthermore, Fox was not about to toss the highly profitable Tom Mix out the door. Many theater owners called Mix the "rent man" because he ensured that they met their overhead costs every month. On average, each Mix movie was booked by more than seven thousand theaters, not counting repeat engagements. A Fresno, California, exhibitor commented, "Personally I wouldn't give a dime to see them all, but I don't buy pictures for my own entertainment. Tom Mix's name packs the house no matter what the title of the picture is." A De Queen, Arkansas, exhibitor agreed, "Why play so-called high class stuff when the people want the same old hokum? The fans come, the others don't."

In January 1925, the same month that he issued his "no more hokum" proclamation, Fox personally negotiated a new three-and-a-half-year, \$2 million contract with Mix. The new terms made Mix the highest-salaried actor in Hollywood, although other stars may actually have earned more through profit percentage agreements. Like John Ford, Mix was careful to broadcast his appreciation. In an April 1925 *Photoplay* article that appeared under his byline, Mix called Fox "one of the finest men I have ever known" and claimed he had recently written a letter to Fox that read, "'Some folks may say that if you hadn't done all this for me, somebody else would have. But the fact remains that you did it, and I feel mighty grateful.'"

After the robustly successful stock offerings for both Fox Film and Fox Theatres, Fox began to think of himself as having the Midas touch. In 1926 he became a residential real estate developer. Partnering with a friend from the garment trade, Joseph Frankel, who had just sold his Frankel Brothers Clothing Company to R.H. Macy & Co., Fox formed the construction company Fox-Frankel to build two large middle-class housing communities on Long Island. First to open, on May 9, 1926 (Mother's Day), was the Spanish-style \$15 million Biltmore Shores development on 557 acres in Massapequa, New York, with frontage on the Great South Bay. Although the project wasn't entirely finished—a large lagoon was still being built to accommodate yachts, motorboats, and water sports; an eighteen-hole golf course and two-hundred-room hotel had yet to be started—Fox and Frankel chartered a special train to bring prospective buyers for free from Manhattan. Ads for the first section of 1,300 lots promised "your own ideal home" where "You are as free and untrammeled as the fresh, invigorating salt-sea air that you breathe at Biltmore Shores." Sales proceeded so quickly that on May 30, 1926, a second section of 560 lots was put up for sale. Also under construction by Fox-Frankel, but not to open until 1928, was the slightly down-market Merrick Gables, a single-family housing development on 428 acres in Merrick, New York.

For Fox, the movies and the houses were all part of the same mission: to improve life for the average person and to establish himself as a guiding hand in American life.

Talking Pictures

The thing that attracted me to talking pictures was not the entertainment of the talking picture . . . [T]hese were the thoughts that entered my mind. How could I leave something behind if I were to die tomorrow? I knew the leaving of mere money meant nothing.

---WILLIAM FOX

 ${f A}_{
m s}$ much as Fox loved silent movies, he knew they couldn't last.

He had realized this during the early 1920s, when radio invaded American homes offering convenient, inexpensive, and varied entertainment at the flip of a dial. While his larger competitors, such as Famous Players—Lasky, M-G-M, and First National, were insulated by their lavish productions and splendid theaters, Fox, with his budget-minded movies and smaller, older theaters, had felt the impact. At first, ticket sales lagged only on rainy nights, when business had previously been the best. Soon, the effect spread to clear nights. "The eyes had seen so much and the ears had heard so little that when the radio came in, it was a new thrill . . ." Fox said. It was so much easier for the average person to stay home after a tiring day at work, settle into a comfortable chair, and enjoy a music program or a lecture. As it built an audience, radio increasingly spotlighted what the movies were missing. No matter that the "silent drama" had become an art form in itself, no matter

that many theaters managed to rustle up some kind of musical accompaniment, whether a full orchestra or a lonely piano player—the fact remained that in real life people talked, and in the movies, so far, they didn't. If the movies didn't adapt, Fox feared, "we were going to find our theaters empty."

At first, wide swaths of the industry disagreed. Talking pictures had a long history of failure. Thomas Edison thought of the idea as early as 1887, and between 1907 and 1911, the first flurry of talking picture machines swept into the marketplace. With catchy names such as Chronophone, Cameraphone, Cinephone, Fotophone, Vivaphone, and Synchroscope, they had razzle-dazzle features such as colored lights, illuminated bull's-eyes, and revolving dials. Most made extravagant claims of realism. All disappeared within a year or two. The problem wasn't a lack of public interest. As *Moving Picture World* reported in 1909, audience enthusiasm was "unquestionably very strong," and "the time is ripe for the popularization of vocalized moving pictures" The trouble was that the systems didn't work very well. Synchronization often failed; the sound was thin and metallic; and the theater equipment was expensive to install and difficult to operate.

Hope revived briefly in February 1913, when Edison introduced his talking pictures machine, the Kinetophone. Although Edison cautioned that the invention was far from perfect—an assessment borne out by films of tired subjects such as "a couple of dogs barking" and the Edison Minstrels telling stale jokes and singing in flat voices that finished a few beats before their mouths stopped moving—many believed that the Wizard of Menlo Park would soon surmount these problems. Indeed, he kept trying. Then came the disastrous December 9, 1914, fire at the Edison plant in West Orange, New Jersey, that destroyed nearly three-quarters of the manufacturing and experimentation facilities. Work on the Kinetophone literally went up in smoke, and sixty-seven-year-old Edison was content to let it remain there.

So, that was that. After all the false promises and dashed hopes, the American motion picture industry gave up on sound and concentrated on making the best of what it had. Aesthetically, silent film developed by expressing itself mainly through action, heightened expressions and gestures, and visual imagery—a rich, multitextured form of pantomime that could, when necessary, fall back on words through the use of intertitle cards. Until radio's arrival, Fox had been quite happy with that conceptualization; the movies he most admired were those that used the fewest words.

Undeterred by the major studios' lack of interest, electrical equipment manufacturers continued to work on motion picture sound technology, although not with the intention of instigating a revolution. As one engineer later explained, "giving the actors voices seemed hardly necessary . . . However, a very large business in synchronized sound seemed assured (even without any use of the system for dialogue) in furnishing sound effects, background music, and providing voice for lectures, speeches and travelogue commentary." By the mid-1920s, AT&T, General Electric, and Westinghouse all had talking pictures research programs.

Two rival technology pathways emerged: one to record sound on a disk and play it on a phonograph linked to a projector—this was the method used by all the unsuccessful systems a decade before—and the other to translate sound waves into light waves and embed the signals on a narrow strip next to the images on the film. Sound-on-disk seemed much more practicable because it relied on an existing invention, the phonograph. By contrast, sound-on-film, which was theoretically superior because of the possibility of perfect synchronization, was fraught with complex technical challenges.

In 1924, a breakthrough occurred. AT&T's Bell Telephone Laboratories, which had discovered that the vacuum tubes used to transfer and amplify sound in telephones could be adapted to record and reproduce motion picture sound, developed a new sound-on-disk system that seemed to solve many of the earlier problems. At first, the new system drew a dreary response. When William H. Hilles, a sales promotion manager for AT&T's manufacturing subsidiary, Western Electric, tried to recruit a major studio to help refine the technology, all refused. For most, the cost was too high, the past too heavily freighted with failure, and

business just fine as it was. They hadn't felt radio's threat to their income the way Fox had. As Adolph Zukor later commented, "We didn't take it as seriously as we should have. Somebody comes in here to you in your house and he's got a beautiful rug—but you don't need it. All your rooms are carpeted. They offered talking pictures—which I didn't need, at that time."

Fox refused for a different reason. Sound-on-disk, he knew, would never hold up in the marketplace. Not only would two mechanical devices, a turntable for sound and a projector for images, have to work together perfectly—an unlikely event in the rough-and-tumble world of movie exhibition—but also, once the sound had been recorded, the picture couldn't change. As Fox well knew, editing occurred frequently for any number of reasons, even after a movie was finished. Producers, for instance, might cut down a first-run version to a shorter length for neighborhood theaters, and exhibitors routinely snipped out damaged frames or scenes deemed objectionable to their audience. As soon as the film images changed, the sound would no longer match. Furthermore, disks might easily break, become lost in transit, or get mismatched with film reels by careless or harried projectionists. To Fox, the only viable talking pictures technology was sound-on-film.

Unwilling to abandon sound-on-disk, Western Electric contracted with two outside promoters to try again with the major studios. The first one, Charles S. Post, got nowhere and was replaced in May 1925 by promoter Walter J. Rich, who learned through a stockbroker friend of the Warner brothers that they were interested. No one had gone looking for them—Warner Bros. was a second-rate studio. However, Sam Warner had heard about the new movie sound system from the Western Electric executive who was supervising installation of equipment at a radio station the Warners were building in Los Angeles.

The Warners were interested in talking pictures not, as the story is often told, because they were broke and desperate. To the contrary: the Warners' business was on the upswing. Profits for the fiscal year ending in March 1925 had totaled \$1.1 million, compared to less than \$250,000 for 1924. In March 1925 the

Warners had restructured their company from a family business into a public corporation, and the next month, they bought the assets of the Vitagraph Company of America, including studio facilities in Brooklyn and Los Angeles and a distribution network of thirty-four sales offices in the United States and Canada. Aiming for a place at the top, proud of what they considered a "perfect-running organization," the Warners believed they could sell sound to small theater owners as a means of competing against large exhibitors.

In June 1925 the Warners and Rich agreed to work together on introducing Western Electric's sound-on-disk system to the motion picture industry. With the Warners pouring money into refining the technology, on April 20, 1926, Western Electric gave them an exclusive license to produce sound movies in the United States and to sublicense other studios. In effect, Warner Bros. would serve as Western Electric's marketing agency to introduce sound to the motion picture industry, and the two companies would split the sublicense profits equally. Western Electric proposed the name Vitaphone, reflecting both the Warners' recent acquisition of the Vitagraph studio and the involvement of Western Electric's parent, AT&T.*

No one else paid much attention. After all, 1926 was on its way to becoming the U.S. motion picture industry's most successful year to date, with an average of seven million paid admissions per day and total box-office revenues of \$750 million, up from about \$700 million in 1925. There seemed no need to abandon silent pictures.

It was not in Fox's nature to stand by and tolerate bad leadership. And that was very much what this looked like. The further the Warners got with Vitaphone sound-on-disk, the more likely they were ultimately to delay the widespread adoption of sound. Here would be another false promise that absorbed the money and efforts that might have gone toward a successful system. Once again, as he had ever since he pushed aside his father to become head of his family, Fox decided that if no one else would do the job properly, he would.

Yet more than a sense of paternalistic obligation drew Fox to talking pictures. This was also a rare opportunity. Whoever introduced sound-on-film would be in a position both to reap tremendous profits through licensing royalties and to achieve historic status in the film industry. "The thing that attracted me to talking pictures was not the entertainment of the talking picture," Fox said. "How could I leave something behind if I were to die tomorrow? I knew the leaving of mere money meant nothing. I wondered what kind of contribution I could make on this earth that would live after I was gone, and to me there came this thought—that the talking motion picture presented a new field of endeavor."

The most logical candidate to head a talking pictures effort for Fox was Dr. Lee de Forest, a brilliant and prolific inventor who in 1908 had patented a revolutionary device called the Audion. One of the major challenges of the early modern electronic age had been to find a way to amplify faint electrical impulses and reduce distortion. De Forest's Audion, a three-element tube, accomplished those goals and thus enabled long-distance telephony, public address systems, and radio. (The Audion would also become an essential component of television and of equipment for controlling the speed and security of express trains, for stopping elevators, and, in medical practice, for inducing an artificial fever in patients.) Directly to Fox's purpose, de Forest had developed a sound-on-film system based on the Audion, and in 1922 he started the Phonofilm Corporation to market the technology.

De Forest had long been interested in an alliance with Fox. Traveling back to the United States from Europe in late 1922 on the same ship as Fox, de Forest had tried unsuccessfully to arrange a meeting. Four years later, he was almost desperate. Phonofilm had never gotten off the ground, mainly because it lacked a major business partner with the resources to generate enthusiasm amid the highly skeptical motion picture industry.

Yet Fox bypassed de Forest in favor of his former colleague in Phonofilm, Theodore W. Case. Probably de Forest's personality warned Fox off. De Forest's career had been plagued by financial hardship and exploitation—or, as he saw it, by "repeated thievery

... by conscienceless corporations." In 1913, needing money to continue his work, he had sold the Audion's telephone rights for \$50,000 to AT&T and the following year, sold the radio rights for \$90,000 to RCA. After refining de Forest's work, both companies quickly made millions. By the 1920s, de Forest had become quirky, cranky, and somewhat unhinged. In 1926, he was working on an "Anti-Add" device, a wireless remote control that would allow radio listeners to "instantly assassinate the advertising announcer" and enjoy silence until the program resumed.

One headstrong autocrat at Fox Film—Fox himself—was enough.

Instead, Fox preferred thirty-seven-year-old Case, a mildmannered Yale graduate who had left Phonofilm in late 1925 because de Forest repeatedly claimed all the credit for himself. Case had patented two important sound-on-film devices, the AEO recording light and its reproducing counterpart, the Thalofide cell, both of which greatly improved Phonofilm's voice quality.* (Before Case came along, de Forest later admitted, he'd been unable to tell whether his recordings of his own voice were being played backward or forward.) In early 1926, while Fox was in California for several months, brother-in-law and Fox Film vice president Jack Leo commissioned Case to make test films at the studio's Tenth Avenue headquarters. On Fox's first day back in April 1926, Leo pulled him into the projection room and ran footage of a canary singing in a birdcage. "It sang beautifully from the lowest to the highest note," Fox said. "It sang for several minutes, and then following that came a Chinaman who had a ukulele and he sang an English song. He sang terribly and played none too well, but to me it was a marvel." This, Fox knew, would work.

Although many of his senior executives thought the project too risky, and although the great Thomas Edison declared in May 1926 that audiences didn't want talking pictures to replace the "restful quiet" of movie theaters, Fox rushed ahead. On July 23, 1926, he and Case formed the Fox-Case Corporation, with Case turning over all his sound patents and receiving in exchange a substantial block of the new company's stock and a three-year contract to head the

research lab.* Fox commissioned two completely soundproof stages in New York and, to keep him busy during the four-month construction period, gave Case \$1 million to spend however he saw fit, no questions asked, on outdoor sound filming. So far, talking pictures research had concentrated on studio work; Fox believed it was crucial for sound cameras also to operate well outdoors.

Case's first few films weren't encouraging. "One was a rooster crowing and sounded exactly like a pig squealing. The other was a dog barking, which sounded like a cow, "Fox recalled. "About thirty or forty days later, they said, 'Here, this time we have it.' On the screen, there came rushing before me a train photographed on the Jersey Central tracks and I heard the whistles blowing and the wheels turning, just as though the train were with me in that room. I said, 'Now you have it.'" They would soon name the sound-on-film system Movietone.

For Fox, no progress ever occurred without opposition and rivalry. Less than two weeks after the formation of Fox-Case, Lee de Forest, angered by what he saw as the hijacking of all his hard work as well as his alleged investment of more than \$1 million, sued Fox, Case, Fox Film, and Fox-Case for patent infringement. A few days later, on August 6, 1926, Warner Bros. debuted its Vitaphone sound-on-disk system with a gala presentation of Don Juan, starring heartthrob John Barrymore, at the Warners' Theatre in New York. Advertised as "the Greatest of All Screen Achievements," with opening-night tickets priced at ten dollars, the movie wasn't actually a talking picture. It had no audible dialogue, just a musical score and sound effects—the latter consisting mainly of a few minutes' worth of clanging church bells that announce, about an hour and a quarter into the movie, the wedding of Don Juan's lost true love. Even such a limited advance created a sensation. Reviewers praised Vitaphone's "remarkable synchronization" and called it "unquestionably one of the wonders of the world." For months afterward, Don Juan sold out every performance.

Fox took these developments in stride. Legal challenges were routine business for a large, successful company; he denied de Forest's claims and prepared to hold out. As for *Don Juan*'s

enthusiastic public welcome, Fox saw no immediate case of alarm. Vitaphone still had all its insurmountable practical liabilities, and the industry at large remained highly skeptical about going in a radical new direction. No other studio took up an active interest in sound.

A greater concern, though, beset Fox. Within weeks of forming Fox-Case, he began to suspect that the Case patents were worthless. He had thought they constituted a freestanding, self-sufficient sound system. Now Fox-Case general manager Courtland Smith told him that AT&T and General Electric claimed to own all the relevant motion picture sound patents. "I was amazed," Fox said. Furthermore, while the Case system had performed reasonably well in a compact projection room, in larger spaces the quality of the sound couldn't match that of Vitaphone or even of a good radio. Low and high frequencies were missing; voices tended to sound nasal or raucous, and musical instrument tones lacked "sparkle." It was never going to work in the multi-thousand-seat theaters that were clearly the wave of the future. Equally worrisome was the fact system was incomplete and that Case's useless without amplification devices, and those were controlled by the electric companies.

As much as he wanted to maintain complete control of sound-on-film, Fox knew he had to join forces with one of the large electric companies. They had not only the necessary expertise and large-scale equipment manufacturing capabilities, but also a virtual guarantee against patent litigation. In 1920 and 1921, the big three, General Electric, AT&T, and Westinghouse, had signed cross-licensing agreements to share reciprocally all their major talking picture patent rights and licenses. Thus, none could sue either of the others for infringement.

Among the three, Fox didn't really have a choice. Westinghouse had joined with General Electric on talking pictures, and AT&T had already placed its bet on Warner Bros.' Vitaphone sound-on-disk technology. By all appearances, AT&T was delighted with Vitaphone. On the opening-night program for *Don Juan*, Western Electric president C. G. Du Bois boasted of his company's great

pride in contributing to this "event of far-reaching significance in human affairs."

Even if he'd had a choice, Fox probably would have chosen General Electric anyway because of the public persona of its chairman of the board, Owen D. Young, an industrialist-statesman with a personal story that seemed to embody the best of the American dream. The son of upstate New York farmers who mortgaged their land to finance his undergraduate and law school education, Young had pursued a distinguished career in private practice before joining GE, where he rose quickly through the ranks. In 1919, at the request of President Woodrow Wilson, Young formed RCA as a subsidiary to offset fears of foreign control of the emerging radio industry, and in 1924, with future U.S. vice president Charles G. Dawes, he coauthored the Dawes Plan for German reparations. A tall, quiet figure in his early fifties, with saltand-pepper hair parted in the middle, Young had an intense gaze and a measured yet friendly smile. Fox said, "I looked to him as you would to a demigod."

Young was interested and, Fox learned happily, wanted not the sort of arm's-length licensing arrangement that Western Electric had with Warner Bros., but to form a new company owned fifty-fifty by Fox and RCA. During their discussions, Fox's admiration of Young deepened. Fox would recall, "He is the type of man when you meet him, it wouldn't take long to have explicit confidence in anything he does. He does it in a very smooth way while smoking his pipe. It wouldn't take long to trust him absolutely in any way he would expect you to trust him."

In awe of Young, Fox welcomed GE and RCA into Fox Film's Tenth Avenue studio. He held nothing back, sharing all his company's information and offering access to all departments working with sound. Fox's attitude was, an RCA employee noted, "extremely liberal."

On September 23, 1926, Fox cleared away the main obstacle to the GE deal, Lee de Forest's patent infringement lawsuit. Taking a \$1,000 two-week option to buy the controlling stock of de Forest's Phonofilm Corporation for \$2.52 million and to hire de Forest for five years at \$50,000 annually, Fox persuaded de Forest to suspend legal action. If de Forest's claims had any merit, Fox would bring him into the fold. Fox and Young might have signed their contract then. However, because Fox and several GE executives had tickets for the Dempsey-Tunney fight in Philadelphia on the night of September 23, Young suggested they finish up the following morning. Fox agreed, assuming they had a gentleman's agreement.

"When we got back the next day, the deal was changed. It was to be 75 percent to the Radio Company and 25 percent to the Fox company," Fox said. RCA also wanted to change a number of other terms that would reduce Fox Film's role and profit sources. Fox refused to sign. Ominously, Young backed off from the negotiations, referring Fox to RCA's president, James G. Harbord, a U.S. Army major general who had been appointed as a figurehead in 1923 and who'd had no previous experience in the electronics business.

Fox had been shunted off into no-man's land. He tried not to see it. For another month, rumors of an impending partnership with RCA fluttered around financial circles, and Fox remained hopeful enough not to deny them publicly. On October 7, 1926, he renewed his option to buy de Forest's Phonofilm company, paying \$100,000 for an extra four weeks and then, for nominal consideration, extended the option again to November 24. He believed he was making progress with RCA. He managed to push Fox Film's ownership position in the proposed new company up to 35 percent. Then, the truth struck bluntly. One morning, RCA recalled its engineers and sent trucks to collect all its equipment from Fox Film. By mid-November 1926, the deal was dead.

One person had killed it: David Sarnoff, RCA's ambitious young vice president, who effectively ran the company. Sarnoff had been in Europe on business for several months and had returned to New York on September 1, 1926. When he learned about Young's arrangement with Fox, he was not at all pleased. RCA didn't need anyone else, Sarnoff believed. His company could develop sound-on-film by itself. Fox didn't like Sarnoff either. At their first meeting, he recalled, Sarnoff "boasted of the fact that he was a 'horse trader' and wanted me to know it." Perhaps they were too

similar. A Russian-Jewish immigrant who, like Fox, had been raised in the Lower East Side slums and who, also like Fox, had an ineffectual father, Sarnoff was just as determined to make a name for himself.

Sarnoff won the tug-of-war over Young, who as RCA's chairman of the board made the ultimate decision to abandon the planned Fox partnership. In early 1927, RCA would form Photophone to develop sound-on-film as a rival to Fox's Movietone sound-on-film system. "There is no doubt in my mind that they [RCA engineers] subsequently used the information they got from me," Fox said. He had no legal recourse because he had invited them in and he'd had no written agreement with GE or RCA.

Young's violation of honor stunned Fox. He never would understand why someone of such high standing would go back on his word. Of course it was for money, but Fox couldn't quite let go of the idea that whatever one had to do to get there, nobler values ought to prevail at the top.

General Electric's desertion left Fox with a new, expensive company, Fox-Case, going nowhere. Acquiring de Forest's Phonofilm company would not solve the problem. investigation, Fox came to believe that de Forest had sold important motion picture patent rights to AT&T. De Forest insisted that those rights pertained only to radio, but he was hardly a reliable source. Fox let his option to buy Phonofilm expire, causing de Forest to reactivate his lawsuit with a \$2 million demand and to go off the deep end psychologically, writing in his diary that Fox was a "hellhound" who "kyke-like as he is, sought through his devilish machinations ... to wreck us." Fox countersued to recover his \$100,000 option payment. In October 1928, de Forest would give up on Phonofilm, selling the company to the General Talking Pictures Corporation, which was owned by a South African theater chain. However, de Forest didn't drop his lawsuit against Fox, which languished on the books until June 1937, when a federal judge dismissed it because of de Forest's failure to pursue the case.

Neither could Fox rely on the set of German sound-on-film patents he'd optioned in October 1926 for \$10,000. Although the

Tri-Ergon patents, based on the work of Berlin-based scientists Hans Vogt, Joseph Massolle, and Joseph Engl, represented seminal and possibly even preeminent research, no one in Europe had ever been able to make any money from them. The owners before Fox, three Swiss companies (two large textile manufacturers and a bank), had come the closest. In 1925 they'd licensed the Tri-Ergon system to the German government–supported UFA studios for use in making the talking picture *The Girl with the Matches*. The movie flopped so badly that UFA withdrew it from circulation almost immediately and canceled its contracts with Tri-Ergon. Within the United States, the patent application filed by the three German inventors on March 20, 1922, hadn't yet been approved. It might not ever be. Patent approval was an extremely complicated process, requiring proof that an invention constituted a novel leap forward rather than just the logical next step of prior knowledge.

Then, unexpectedly, events took an odd turn. Walter Rich, the outside agent who had brought Warner Bros. together with AT&T's Western Electric to launch Vitaphone, asked Fox to come to the phone company's offices. In fact, sugary public statements to the contrary, John Otterson, Western Electric's general commercial manager, detested the Warners and couldn't wait to throw them overboard.

An Annapolis graduate with a master's degree from MIT, a fifteen-year Navy veteran, and the former president of the Winchester rifle company, Otterson valued decorum and found very little of it in the Warner Bros. alliance. The difference in status was unseemly. In 1926, AT&T ranked as the fourth-largest U.S. corporation with \$1.6 billion in total assets—or, including its affiliated and leased companies, in first place with \$2.9 billion in total assets. Warner Bros. ranked seventh within the motion picture industry, with assets of only \$5 million. Undoubtedly personal differences also irked the conservative, conventional Otterson. The four Warners were a loud, scrappy bunch uninterested in acquiring social graces, and head of production Jack Warner seemed to revel in his image as "a blunt, often tactless, vulgarian."

Otterson had tried for months beforehand to sabotage the April

1926 agreement by which Warner Bros. became Western Electric's marketing partner for sound, asking for so many concessions that even the AT&T lawyer who drew up the contract found it "too burdensome" upon the Warners. The four brothers, however, really wanted the deal and kept agreeing. Finally, because no other studio was interested, Otterson's superiors overruled him and ordered him to accept the Warners. By the end of 1926, Otterson was surer than ever that Harry, Jack, Sam, and Albert Warner would ruin the introduction of sound. As of August 1926, mostly because they had neglected film production to concentrate on Vitaphone, the Warners had amassed a deficit of nearly \$1.3 million. By the end of the year, despite Don Juan, they still hadn't signed up a single other movie studio for Vitaphone. In a December 17, 1926, internal memo, Otterson blasted Vitaphone's management as "incompetent" and lacking "the confidence of practically all who have come in contact with it." He concluded that the Warners had to be removed from authority at Vitaphone in order to avoid "a most embarrassing dilemma" for Western Electric.

Fox Film would do as a replacement. The company had an eleven-year history of profitability, and it anticipated record revenues of \$25 million for 1926. Additionally, Fox Film, unlike Warner Bros., had an extensive worldwide distribution network that could be used to generate business internationally.

Lacking a basis to nullify the Warners' contract, and with the brothers holding on tenaciously, Otterson could arrange only a sublicensing agreement for Fox to make and exhibit talking pictures. Fox would have the same access to Western Electric technology that the Warners had, and at the same prices, but he would pay royalties to the Vitaphone company, which Vitaphone would then split between Warner Bros. and Western Electric. The Warners had no say whatsoever about the terms of the contract between Vitaphone and Fox. Western Electric dictated every word and presented the agreement for execution to the Warners, who were sufficiently intimidated not to protest. Fox signed on December 31, 1926. The next day, Western Electric formed Electrical Research Products Inc. (ERPI) as a subsidiary to

concentrate on the motion picture business, with Otterson as general manager. (A year later, he would become ERPI's president.)

According to Fox, Otterson didn't want to accept sound-on-film technology, but simply to have Fox take over for the Warners in marketing sound-on-disk to the motion picture industry.* Two strong wills collided for what would not be the last time. Within a week, Fox began a campaign to prove the superiority of Movietone sound-on-film. He later said, "[I]t was not an easy matter to have them see it."

Rather than feature films, Fox used the snappier, cheaper newsreel format. On January 21, 1927, sixteen days after a demonstration to the press, he debuted Movietone sound to the public at a screening of What Price Glory at Broadway's Sam H. Harris Theatre. It was a low-key event, unadvertised beforehand, with the program consisting of several experimental short subjects that unfortunately called attention to Movietone's shortcomings as well as its achievements: the canary that Fox had admired still sang all right, but hissing sounds preceded the scene of a baby crying, and imprecise synchronization marred the performances of German opera soprano Frieda Hempel and Spanish vaudeville star Raquel Meller. The response was ho-hum. But they would fix the problems, Fox knew, and then audiences would love Movietone. He was so sure of that vision that he gave away four weeks' worth of Movietone talking newsreels for free to about sixty of his theater owner customers who had already installed sound equipment. (The main part of the setup, amplifiers and loudspeakers, was common to both Vitaphone and Movietone; Movietone required that an optical sound reader be added to the Vitaphone projector.) At the end of the trial period, all the exhibitors signed up to continue Movietone News, even though Fox charged more than any other newsreel service.

Otterson was only mildly impressed. Unwilling to abandon sound-on-disk as Fox believed he should, he did at least agree to modify recording and reproducing equipment so it could be used for sound-on-film as well. Now more than ever, AT&T wanted to sever ties with the Warners, whose existing contract would give them a share of Movietone licensing fees, even though they had contributed nothing to that technology. In order to buy back the Vitaphone contract, phone company officials decided to try to buy Warner Bros.—with Fox negotiating the deal because the two principals were nearly at war with each other. However, AT&T wanted to pay no more than \$4.5 million. "That was to take over the entire company, lock, stock and barrel," Fox said. Warner Bros. president Harry Warner refused, explaining to Fox that he and his brothers had \$3 million in debts. "He said to divide \$1.5 million between the four of them would leave each of them very little, and that if they would be broke anyway, they might just as well continue." However, Warner added that he was "perfectly willing" to accept \$6.5 million. Fox urged AT&T to pay the extra \$2 million. The phone company could well have afforded to do so, having earned a net income in 1926 of \$155 million. Disdainful of the Warners, AT&T refused. Fox commented, "It was a great mistake."

If not money, then force: on March 14, 1927, Otterson visited the office of the Warners' banker, Waddill Catchings of Goldman Sachs, and handed him a typed piece of paper demanding termination of the Vitaphone contract. That day or the next, Catchings went to see Otterson's boss, Western Electric president Edgar S. Bloom, who threatened to announce publicly that the Warners had defaulted on their contract by not getting a sufficient number of theater installation contracts. (The Warners claimed that Western Electric had charged prohibitive prices, ignored sales leads, and stalled on equipment delivery.) According to Catchings, Bloom warned that if the financial community were to hear such news, "it would be impossible" for the Warners to raise the money they needed to keep going. Feeling "intimidated, terrorized and coerced," on May 18, 1927, the Warners signed a series of agreements that, retroactively to April 2, 1927, canceled their exclusive contract with Western Electric and gave the ERPI subsidiary full control of licensing other producers and selling sound equipment to theaters. As a result, Fox's December 1926

sublicense was replaced by a new agreement that put him in a direct relationship with ERPI.

Fox would later charge that Western Electric had treated the Warners unconscionably and illegally, but at the time, he saw only that the mighty phone company was on his side. He thought that meant they were his friends.

The rest of the motion picture industry was bewildered. As of early 1927, there were three main motion picture sound systems vying for adoption: the Western Electric–Warner Bros. Vitaphone sound-on-disk system, the Western Electric–Fox Movietone sound-on-film system, and RCA's Photophone sound-on-film system. Ultimately, the decision would be up to the studios, because there was no point in theater owners buying equipment for which no one was making movies.

The studios couldn't decide. To buy time, the so-called Big Five, representing the uncommitted major companies—Paramount, M-G-M, First National, Universal, and Producers' Distributing Company—appointed a committee to study the matter and then signed a contract among themselves agreeing to a one-year moratorium, beginning February 17, 1927, on all negotiations for sound licenses. They would all move together in the same direction at the same time. A place in history was at stake, and Fox meant to win.

All for Fox Films

Fox Films for all; all for Fox films.

-FOX FILM SLOGAN, 1925

As Fox surged ahead professionally during 1925 and 1926, taking Fox Film public and starting Fox Theatres and the Fox-Case Corporation, his personal life shrank. Family and social relationships were more complicated than business ties, less tractable by ambition, slower to show progress, and sometimes pointlessly cruel.

Fox had always exalted the innocence of childhood, so two young deaths in the family must have struck him especially hard. On August 22, 1925, two-year-old Adolph Livingston, the son of Fox's sister Bessie and her Oklahoma oilman husband, Herman Livingston, died of unknown causes only hours after being admitted to Manhattan's Lenox Hill Hospital. He was buried in the Fox mausoleum at Mount Hebron Cemetery in Flushing, New York, near his grandmother, Anna Fox, who had died only three months earlier. Then, in early 1926, Fox's grandson, Belle's child William Fox Jerome Schwartz, died in his crib. He was only ten months old. There were no newspaper death notices about the baby's passing, and his burial site is unknown. In November 1926, Belle gave birth to her second child, also a son, whom she also named William Fox Schwartz. All Fox's money and position had not been able to avert

these tragedies.

Neither had Fox been able to rescue his younger brother Maurice from mental illness. Once seen as the family's great intellectual, and now stashed in a minor clerical position in the Fox enterprises, Maurice was never going to get better. Nothing is known about the exact nature of his trouble, but some family members suspected schizophrenia. It was probably in the course of seeking help for Maurice that Fox met and developed a friendship with Dr. Menas Gregory, director of the psychiatric department at New York's Bellevue Hospital. A Turkish immigrant educated at Albany Medical College, Gregory held enlightened, optimistic views and believed (no doubt appealingly to Fox) that many symptoms of mental illness were simply remediable nervous responses to the high stress of modern life.

It's not known if Gregory treated Maurice, but even if he did, the patient didn't improve. What Fox couldn't do for his brother, he tried to do for others less financially fortunate. Bellevue Hospital was then an ancient, overcrowded, Bedlam-style facility, and for many years Gregory had pleaded unsuccessfully with politicians to authorize funding for a new psychiatric hospital. "I will see that it is done," Fox promised him.

In 1925, he went to see Jimmy Walker, then a New York state senator who had just decided to run as the Tammany Hall–backed candidate in that year's New York City mayoral election. Fox knew Walker well, both through Tammany Hall connections and because in recent years Walker had served as national counsel to the Motion Picture Theater Owners of America. Fox offered to finance Walker's entire campaign up to \$500,000, in exchange for just one favor—that if elected, Walker would accompany Fox on a visit to Bellevue's psychiatric ward.

Of course, he couldn't accept, Walker replied. Tammany Hall had been in the business of buying politicians for a long, long time, and it wasn't about to relinquish the privilege. Fox recalled, "He told me to make my usual contribution and let it go at that."

Yet Fox's sincerity impressed Walker, who won by a landslide and took office on January 1, 1926. In the early evening of February 24, 1926, Walker, Fox, and Board of Aldermen president Joseph V. McKee toured the Bellevue psychiatric ward for about ten minutes. Among more than fifty inmates, Fox saw "the most terrible sight my eyes had ever beheld." Because there weren't enough beds, patients lay on mattresses on the floor; there was only one bathroom, with a bathtub half the size of a normal tub. McKee fainted and had to be taken away. Walker was also horrified. He would later describe the facility as "the most dilapidated, unsanitary and unhealthy building" he had ever seen and "the most terrible calumny ever visited upon" New York City. Walker assured Fox he would build a new psychiatric hospital.

But this wasn't the motion picture industry, where whole worlds could be created within months and preserved on film forever. For years, nothing happened. Not until June 18, 1930, would ground be broken for the new \$4.3 million Bellevue Psychiatric Hospital at Twenty-Ninth Street and First Avenue, and not until May 1933 would the eight-story building open.

In real life, good intentions moved slowly while human suffering went on and on. All the effort Fox had put into the wartime relief campaigns nearly a decade earlier and all the money he had continued to give—of course it had been worthwhile, but it hadn't solved any problems. Charities were still trying to clean up the ravages in Europe. Fox was growing weary. When philanthropic leaders Felix Warburg and Louis Marshall asked him to serve as the New York City chairman of the 1926 United Jewish Campaign (UJC) to benefit the seven million eastern European Jews still suffering amid catastrophic conditions, Fox at first said no. Then something changed his mind. Perhaps it was the death of his grandson, which appears to have occurred in early February 1926. By February 12, Fox had accepted the UJC's New York City chairmanship.

He rallied to the job. After insisting that the national goal be raised from \$15 million to \$25 million and that New York City's goal increase from \$4 to \$6 million, he delayed a trip to the West Coast studio to make personal visits to prospective donors. He raised \$6.8 million in New York City, and his personal contribution

of \$300,000 ranked third nationwide, after \$1 million from Sears, Roebuck chairman Julius Rosenwald and \$500,000 from Felix Warburg. (Famous Players–Lasky head Adolph Zukor gave only \$3,000.) It was not a return to form, but a grand finale. Fox would never again lead a major fund-raising drive for any cause.

A close friend might have helped keep Fox anchored in the wider world, someone with whom he wouldn't have to play the role of boss or husband or father—someone, as he'd written to director Herbert Brenon ten years earlier, "who is not afraid of me and in whom I have confidence, so that I can have a heart to heart talk with him and review all my present acts and all my future acts." Philadelphia real estate tycoon and banker Albert Greenfield was a trusted friend, but emotionally guarded. Furthermore, the intermingling of their business affairs would have made it risky to disclose vulnerabilities. Fox kept looking.

The latest candidate for friendship was Alfred C. Blumenthal, the unreliable Los Angeles real estate agent who had brought the West Coast Theaters deal to Fox in the summer of 1925 but who had greatly exaggerated the owners' eagerness to sell. Astutely, Blumenthal appealed to Fox's self-image as a father figure to those in need. Around the time of the West Coast Theaters negotiations, Blumenthal confided to Fox that he was broke. A recent real estate downturn had wiped him out, and now his small creditors—people to whom he owed \$10, \$20, \$30 or \$50—were harassing him so much that he felt he had to leave Los Angeles.

Mutual friends had warned Fox about Blumenthal's unsteady character. But Fox wanted to like Blumenthal, so "in my own mind, I made excuses for him going broke." To rehabilitate the wayward would-be son, Fox provided the \$50,000 that Blumenthal needed to pay off his debts. Then, on November 27, 1925, he and Blumenthal formed a real estate partnership, the Foxthal Realty Corporation. Blumenthal would handle all real estate deals for the Fox companies over the next five years and would split the commissions fifty-fifty with Fox Theatres.

Fox thought he had given Blumenthal a tremendous gift. Blumenthal would be working on high-dollar deals for a major company that was buying aggressively, and he wouldn't have to solicit clients or explain his past mistakes. Fox began to think of Blumenthal as more than a friend. He invited Blumenthal to come to his home for meals as often as he liked, and Blumenthal began to address Eva as "Mother," even though he still had a perfectly good mother of his own. Fox believed he had saved Blumenthal. "He was no longer the runaway," Fox said. "Fox was behind Blumenthal . . . Fox was paying his debts."

That was one way to look at the arrangement. There was another. Why, for the sake of a \$50,000 advance, should Blumenthal be compelled to give away 50 percent of all his commissions for the next five years? He would still have to do 100 percent of the work. Wasn't Fox taking unfair advantage of Blumenthal's vulnerability?

Right from the start, tensions arose. Courtland Smith, the head of Fox News, noticed that Fox and Blumenthal were always fighting, always "in and out" with each other, and everybody who knew them knew it.

As personal sorrows and disappointments accumulated, Fox increasingly focused his energy on the one area of his life where he had been most effective—running the Fox enterprises. Through them, he had made people happy, and had made significant, unique contributions. That was the William Fox he wanted to be.

With seemingly unlimited possibilities at hand in the mid-1920s, Fox continued to build up the outward trappings of a man of great affairs. In mid-1925 he took out life insurance policies totaling \$6.5 million, which made him the second-most heavily insured person in the world after Philadelphia department store magnate Rodman Wanamaker, who had \$7 million in insurance. (Fox commented that even if no one else were to grieve his death, "I can at least depend upon the president of every large insurance company in the world.") At Fox Film's Tenth Avenue headquarters, Fox's once-plain

office—previously he had simply used a long table as a desk—was now furnished "like the interior of Westminster Abbey," with an atmosphere "just about as cozy."

In 1925 Fox bought more land to expand his Fox Hall estate in Woodmere, Long Island, and the following year, he completed extensive renovations. The property now included a large private theater with brocaded walls, tapestries, and rows of Louis XV chairs; a two-story boathouse; a duck pond; a pentagonal teahouse ringed by ornamental bushes; and marble benches, urns, and classical statues throughout the gardens. A few years before, John Ford's wife, Mary, had described Fox Hall's ambiance as "real, real rich kind of living." It was even richer now.

In perspective, though, Fox's projected self-image was relatively modest. His home wasn't anywhere near the size of Adolph Zukor's eight-hundred-acre Mountain View Farm in Rockland County, New York, with its eighteen-hole championship golf course designed by A. W. Tillinghast. Nor did it approach the splendor of Pembroke, Marcus Loew's eighty-two-room, sixty-thousand-square-foot French neoclassical mansion in Glen Cove, on Long Island's "Gold Coast" North Shore. Fox never had Gatsby-style parties, only small, private entertainments, and he didn't succumb to the flashy egocentrism that gripped so many Jazz Age motion picture personalities. He wasn't, for instance, Louis B. Mayer, who, as Harrison's Reports publisher Pete Harrison wrote in 1926, spent every Sunday morning "on horseback parading through the streets of Beverly Hills, puffed up like a pouter pigeon, and inviting eyes to look at him, the handsome Prince Charming." Fox's pride was in his position, not his person. According to philanthropist David A. Brown, Fox "could walk down the streets of any City in this Country and pass as the average citizen."

The Roxy

One event formally ushered Fox back into the motion picture industry's inner circle. On the evening of Friday, March 25, 1927, he announced to a group of reporters gathered in his Tenth Avenue office that he had bought the world's largest movie theater, the \$10 million, 5,920-seat Roxy, which had opened with great fanfare exactly two weeks before at Seventh Avenue and Fiftieth Street.

With its gold-domed circular lobby supported by gigantic green marble columns, its two-ton, crimson-and-gold oval chenille rug, its Heywood-Wakefield red mohair upholstered seats, its 110-piece orchestra and 125 blue-uniformed ushers, the Roxy was not only a riotously ostentatious trophy property but also a sensationally successful business. On opening night, so many spectators had thronged the sidewalks that the city had to send 125 police officers to keep order. During its first week, the Roxy had taken in \$127,000—more than one-quarter of the \$500,000 total receipts at all eighteen Broadway district theaters that played movies. The Roxy's featured attraction, Gloria Swanson's The Love of Sunya, made by United Artists, wasn't even a particularly good movie. Audiences didn't much care. The real entertainment, the reason they'd paid their money, was to experience the Roxy's unparalleled splendor. And now this "Cathedral of the Motion Picture" belonged to Fox.

Seated in a throne-like chair at the head of his office conference table, "visibly pleased," Fox told reporters that he had been trying for two years to acquire the Roxy: "We were determined to have the largest theater in New York." No one had quite expected this. There had been talk during the past few months that Fox was negotiating for the Roxy, either for a partnership with Herbert Lubin, the small-time independent producer who had built the Roxy, or for some kind of preferential booking arrangement. Fox had always vigorously denied the rumors, and after all, it was difficult to believe that anyone except Famous Players or Loew's could pull off such a deal. Now, in a single leap, Fox had vaulted over all his competitors to become the foremost movie exhibitor in New York.

Of course, the subject of money arose. How much had he paid? He never liked those kinds of questions. It wasn't anyone else's business. Tersely, he replied, "Many millions."

But it was the reporters' business. He had mentioned that the deal was worth \$15 million—had he paid \$15 million? Fox relented, "Yes, you can say that that is what we paid and more."

It was a startling figure because just two weeks before, the cost of the Roxy's land and construction had been given as \$10 million. But, Fox explained, there was more involved in the transaction than just this one theater. He had also gained control of all future Roxy siblings, including two planned four-thousand-seat theaters in Manhattan. Ground was now being broken for Roxy's Mansion on Lexington Avenue between Fifty-Eighth and Fifty-Ninth Streets, and soon to follow would be Roxy's Midway at Seventy-Fifth and Broadway. Other Roxy theaters were planned for Brooklyn, Detroit, St. Louis, Newark, Philadelphia, Los Angeles, San Francisco, Kansas City (Missouri), and Washington, DC. Perhaps, Fox suggested, he would even expand the chain internationally.

Odds for the future had shifted. Commenting on the Roxy sale, the *New York Mirror* summarized the industry's majority opinion: "The deal puts Fox in an important strategic position in the great war now being waged for leadership in the film business."

"I have no vanity in the thing," Fox said at the press conference. Perhaps he had a little. He had, after all, made the reporters sit through another fairly lengthy set of reminiscences about his destitute childhood and early business struggles. Nonetheless, it was true that he hadn't bought the Roxy solely for the prestige. The purchase was an overdue business necessity, one that addressed the most obvious flaw in Fox Film's marketing organization: the lack of a Broadway theater that could draw national publicity for a major movie.

Previously, Fox said, Fox movies had been like "a man in evening clothes who does not know what to do—is all dressed up and no place to go." Every other studio had its own Broadway venue. Famous Players controlled the Rialto and Rivoli, and on November 19, 1926, had opened its flashy 3,664-seat Paramount Theatre in Times Square. First National had the Strand, M-G-M had the Capitol, and Warner Bros. had their Warners' Theatre. Fox had always been forced to bid for attention by renting one of the district's large legitimate theaters such as the Lyric or the Broadhurst or the Sam Harris, customarily losing as much as \$250,000 per movie on an engagement. He had hoped that his new Academy of Music, opened just five months earlier, would compensate, but its Fourteenth Street location was too far from the brightly lit action and too close to the scruffy Lower East Side to generate the necessary national excitement. Now, with the Roxy at his disposal, Fox could make more large-scale, artistically ambitious movies.

The Roxy also had the potential to help Fox launch the talking pictures revolution. The theater had been designed for optimum acoustics—not because Lubin and flamboyant theater manager Samuel "Roxy" Rothafel had any strong faith in sound movies, but because they intended stage shows and orchestral accompaniment to constitute a major part of the entertainment program. Rather than being square or rectangular, with the back wall parallel to the proscenium, the Roxy's stage was built in the shape of a triangle, with the two side walls coming to a point behind the center of the stage. The design eliminated lateral sound pockets and turned the fan-shaped auditorium into a giant megaphone. With his Western Electric alliance to develop sound-on-film technology under way as

of January 1, 1927, Fox believed the change was imminent. He told the *New York Times*, "No producer in five years will think of making anything but talking pictures."

Maybe there was more than a little vanity in Fox's acquisition of the Roxy. To his mind, the world's largest movie theater should have been his all along. In fact, he had had the vision first. He had even wanted to build it on the same plot of land that the Roxy now occupied.

The idea had come to him about four years earlier, when he was playing golf with his real estate agent, Alexander Kempner. Waiting for their caddies to go ahead to the area where they were likely to drive, Fox suddenly sat down on a bench and told Kempner his plan. He wanted to build a colossal recreation complex, with "the largest ballroom in the world, the largest indoor athletic place in the world, the largest theatre in the world, and also a great hotel with conveniences that would startle a stranger coming to New York." He had already chosen the site: the entire city block bounded by Sixth and Seventh Avenues and by Fiftieth and Fifty-First Streets, which was then owned by the Metropolitan Street Railway and used as a "car barn" storage facility. Fox had heard that the property could be had for \$5 million, and he wanted Kempner to buy it the next day. Kempner urged caution, advising that they get expert appraisals. Fox acceded, and after the figures came in considerably lower than \$5 million, he made a conservative, unsuccessful bid in December 1923.

The next Fox heard, when the news was announced at a Rotary Club dinner at the Hotel McAlpin on June 2, 1925, Herbert Lubin had bought the lower portion of the same block, the part that stretched along Seventh Avenue from Fiftieth to Fifty-First Streets, for \$1.9 million. Lubin planned to lease part of the property to a hotel development company. On the rest of the land, he would build a \$6 million, 6,000-seat movie theater in collaboration with theater impresario and popular radio personality Samuel L. Rothafel. Also the manager of the Capitol Theatre, at Broadway and

Fifty-First Street, then the world's largest movie theater, with 5,300 seats, Rothafel had pioneered the deluxe presentation of movies, folding them into an elaborate program of stage entertainment that often included ballet and orchestra performances. Even when the movies he showed were terrible, Rothafel could come close to selling out the house.

Learning about Lubin and Rothafel's bold action, Fox resolved that "never again shall anyone talk me out of doing what I feel impelled to do." For the time being, though, all he could do was watch and wait for an opportunity to get even.

Fortunately for Fox, Lubin didn't really know what he was doing. By October 1925, the Roxy's projected costs had escalated to \$8 million, and Lubin was having a difficult time finding bankers to provide financing so that construction could begin. His plan had a big hole in it. At a time when the major studios controlled theater circuits that they used like company stores to sell their products, the Roxy had no studio affiliation to ensure a steady supply of important movies. When Lubin did secure financing—in November 1925 two banking firms underwrote realty bonds and sponsored a public stock offering—he had to assume personal responsibility for cost overruns.

And soon after construction began in March 1926, there were overruns, so much so that, according to Motion Picture News, "the opinion was practically unanimous that this theater was doomed to dire failure." Fox sent Alfred Blumenthal, now working for Foxthal make an offer. Other studios also representatives, but Lubin, desperate to hold on to the project, kept quoting prices that were too high. Blumenthal visited nearly every day. Finally, one night in early March 1927, about a week before opening day, Fox accompanied Blumenthal to the Roxy. As workers rushed around laying down the carpet and bolting seats to the floor, as the orchestra rehearsed and the ballet dancers practiced their routine, Fox walked about quietly. Then, according to early film executive and self-styled historian Benjamin B. Hampton, Fox and Blumenthal found Lubin, "a small man in shirt sleeves, perspiring and dust-stained, his normally husky voice hoarsened to a croak with nervous tension and lack of sleep."

Lubin had no more energy to hold out. Described by *Photoplay* as "a fragile little cuss, with nerves made of spun glass," he was facing \$2 million in cost overruns. If those bills weren't paid, the bankers would foreclose and he would end up with nothing except the \$2 million debt. Within minutes, Fox bought Lubin's interest in the Roxy and agreed to assume all the theater's current liabilities, so that Lubin would clear a profit of more than \$3 million.

And thus Fox got what he thought he should have had in the first place. Everyone seemed delighted. Fox praised Rothafel as "the greatest genius of motion picture presentation." Rothafel told reporters he would welcome Fox's "advice, counsel and guidance," and concluded, "I am very happy indeed." Lubin deemed the arrangement "an ideal one for all concerned."

That was the public version of events. It was mostly true, but not entirely. First, Fox hadn't actually bought the Roxy—not the land or the building or the business. He had bought a controlling share of the stock of the Roxy Circuit Inc., the holding company that, in turn, owned more than half the stock of the Roxy Theatre. More accurately, Fox had become the first among many owners of the Roxy, with all the power of a full owner, but also an implied responsibility to run the business for the benefit of the other owners as well as himself. Second, Fox hadn't paid \$15 million. The price of the deal was \$4.5 million, a generous reflection of the value of the securities at stake. And Fox hadn't actually paid any money yet. Because the pressing priority was to resolve Lubin's \$2 million debt, Fox would not begin paying Lubin for another two years, and then he would make installment payments stretching over three years and ending in March 1932. And third, although at the press conference Fox had portrayed his acquisition of the Roxy as an easy and munificent gesture, in fact, money was extremely tight. Fox Film had to join Fox Theatres as an equal partner in the purchase, and even that arrangement made Lubin sufficiently nervous that he required Fox personally to guarantee the last \$1 million payment.

For all the glory it conferred, the Roxy deal added to Fox's sense of motion picture industry martyrdom. Why did he always have to shoulder every burden? Why couldn't others try harder? Going forward, the Roxy would be a highly risky business venture. Although the theater did well in its opening week, there was no telling what would happen once the novelty wore off. The potential for loss was staggering. Experts estimated the Roxy's weekly operating costs to be at least \$80,000.

Another aspect of the Roxy purchase that Fox obscured from public view was his true opinion of Samuel Rothafel, who had a long-term contract to manage the theater. While he admired his professional skill, on a personal level Fox regarded Rothafel with contempt. Always he would continue to think of Rothafel primarily in terms of his early occupation as a "trap drummer" in a midwestern movie theater orchestra: "Not only did he play the drums but he played all the jingling bells, blowed [sic] the whistles and all the other contraptions that falls [sic] to the duties of a drummer."

Indeed, Rothafel the man was more difficult to like than Roxy the folksy, friendly, "Hello, everybody!" public personality. Journalist Allene Talmey described him as a schmaltzy, self-pitying "sob sister," boastful of his "passion for frankfurters and sauerkraut . . . and nicknames on five minutes' acquaintanceship," and ever ready with a "pail of tears." He was, Talmey wrote, "a man without intimates."

To Fox's eye, Rothafel was unprincipled and untrustworthy. He had known him since around 1912, when Rothafel arrived in New York to manage the failing Regent Theatre at 116th Street and Seventh Avenue. Rothafel turned the property around so dramatically that he was hired in 1914 to manage the newly built \$1 million Mark Strand Theatre, at Forty-Seventh and Broadway. Shortly afterward, Fox learned, Rothafel took a copy of the Strand's earnings report to competitors in the hope of persuading them to build a rival theater. This led to the creation of the deluxe Rivoli Theatre at Broadway and Forty-Ninth, with Rothafel as manager.

Fox said, "The owners of the Rivoli Theater became all vexed and excited because Mr. Rothafel was showing the earnings of the Rivoli Theater to another group in the hopes that it would build a competitive theater." Thus arose the Capitol Theatre, with Rothafel as manager. Then, after launching his national radio show from the Capitol and adopting the trade name "Roxy," Rothafel began showing the Capitol's earnings reports around town. That was the way he'd met Lubin.

As galling as Fox found such repeated acts of disloyalty to an employer, he was even more incensed by the sneaky, manipulative tactics Rothafel used to promote the Roxy Theatres Corporation stock. In his radio broadcasts, in letters, and during personal appearances, Rothafel constantly referred to the Roxy as his own, a project into which he was inviting all his good friends, the fans. "I want you all in on it. I want you to come in as my partners," he advertised in the *New York Times* in November 1925. "I want us all to be one big Gang together, running our own big theatre."

"From now on, Roxy was going to own his own theater, so it was advertised," Fox said. "The fact of the matter was, he wasn't going to do anything of the kind. He was just going to manage a larger theater than he ever managed before and Lubin, the promoter, was going to profit by it." According to Fox, neither Rothafel nor Lubin had a dime of their own money in the Roxy. And Fox was certain that no wealthy, knowledgeable investors ever touched the Roxy stock. "The funds of servant girls, barbers, bootblacks, truck drivers, bookkeepers, and many others of similar occupation, wholly inexperienced in Wall Street, believing in this demigod Roxy, actually bought \$5 million worth of preferred stock. Roxy campaigned for the sale of this stock by the sending out of letters and by using the radio to broadcast that here was a chance for his admirers to build for him this temple of music and [to receive] great profits."

Much to Fox's annoyance, once he had their money, Rothafel seemed to forget all about his investors, who, Fox estimated, numbered more than thirteen thousand. Fox said, "After the Fox enterprises had acquired the Roxy Theater, I naturally was in

personal contact with him. I again and again reminded him of his extreme obligation to these poor people who had invested \$5 million on his say-so; that in spite of the fact that the theater was a profitable venture, that greater profits could be earned by economies that he could put into effect; that the only way he could ever hope to have the people who followed him blindly and invested this money—the only way he could hope to have them get this money back was through profits."

According to Rothafel biographer Ross Melnick, Rothafel didn't like Fox any more than Fox liked him. In his previous positions, Rothafel generally had been able to do as he wished as long as he delivered phenomenal results. It hadn't been easy to earn that trust. "Pitting unusual ideas against the conventional views of people in power is no child's play. You suffer opposition, antagonism, and sometimes even slander. You often begin to doubt yourself," Rothafel lamented. Now, with Fox as the Roxy's owner, he would have to endure Fox's fierce and unforgiving financial supervision.

Despite their mutual antipathy, Fox needed Rothafel to pull in the audiences—and Rothafel did make money. During the first six months, the Roxy averaged weekly receipts of more than \$105,000, yielding profits of more than \$25,000. According to *Motion Picture News*, the Roxy quickly became "without doubt the world's most successful theatre enterprise."

Such was show business, where the facts didn't matter as much as the story one told. For Fox, even his own past was becoming fuzzy. At the Roxy purchase announcement press conference, after his heart-rending tale about having to go to work at age ten, a reporter asked him to describe his first job. Fox was taken aback. It wasn't so much that he had forgotten—as Theda Bara noted, he had a vaultlike memory from which very little ever escaped—as that he couldn't be bothered to try to remember. He replied, "Well, what does one do at ten? I suppose I must have sold papers." He wasn't saying he had forgotten. He was saying, in effect, that the truth was somewhat beside the point.

Sunrise (1927)

This Song
of the Man and his Wife
is of no place
and every place;
you might hear it anywhere
at any time.

—OPENING INTERTITLE FROM SUNRISE

Just as buying control of the Roxy Theatre signaled Fox's imperial

intentions as an exhibitor, so *Sunrise* (1927) represented the ultimate purpose of that ambition—to make movies that reached new heights of motion picture artistry. Widely considered one of the best movies ever made, a visually mesmerizing portrait of a troubled marriage restored to love, *Sunrise* would become Fox Film's single greatest achievement. *Sunrise* would also be the studio's greatest disappointment, entailing tragedy.

Fox had tremendous hopes for *Sunrise*, the first project for German director F. W. Murnau at Fox Film. Although the one-year contract Murnau signed with the studio in January 1925 was supposed to begin in February 1926, his arrival in the United States was delayed until July 1926 by previous obligations at UFA studios in Berlin, where he was filming a version of *Faust*. During the eighteen-month waiting period, Fox built up a set of expectations

that recalled his artistic infatuation with Herbert Brenon a decade before. Idealizing the director in absentia, Fox came to regard Murnau as "a man who can accomplish what we have dreamed of."

They were an unlikely match. At six foot four, with reddish-blond hair, a broad-shouldered "lumberjack" frame, elegantly chiseled features, and, according to actress-screenwriter Salka Viertel, the "pose of a grand seigneur," Murnau towered over the portly, unfussy, five-foot-seven Fox in size and bearing. During the world war, Murnau had served in the Prussian Guards and the German Air Force, part of the enemy military power that Fox had demonized in movies such as *The Prussian Cur* (1918) and *Why America Will Win* (1918). Murnau was also quietly but unmistakably homosexual, while Fox, who had grown up amid the social chaos of the slums, held firmly to traditional standards of personal conduct. To Fox, marriage and children marked a man's character as stable and upstanding.

Nonetheless, for Fox, one fact overcame all others: Murnau was an artist. He had made great movies in Germany and his attitude toward filmmaking mirrored Fox's highest hopes. Art was international, Murnau believed, and in an article published under his byline in Film Daily in June 1925, he wrote that, at Fox Film, he intended to make movies that would be "practical, as well as inspirational." Art was also collaborative. "A director should not work on his script alone," Murnau opined in the same article. "There are many fine points a man will miss, in a private perusal of a script that he can get verbally from outside minds." And art was personal, emotional. His assistant and technical director Hermann Bing explained that Murnau "aims to turn a man's mind, his heart, his soul, inside out and then put him on the screen for other men to see." Lest that sound expensive, Bing emphasized, "Murnau will do nothing spectacular. There will be no elaborate sets, no big scenes, no splurge, no blustering effects."

While Murnau said, or had said for him, all the right things, he also said a few wrong things. Acknowledging in his *Film Daily* article that "essential differences" divided American and European audiences, he admitted that he didn't entirely understand "the

American viewpoint." He also blithely estimated that a good movie might take a year to make, with the possibility of retakes months later. His haziness about American film production priorities, his lack of awareness of economics, led to a series of skirmishes in late 1925 and early 1926 with Winnie Sheehan, then the acting head of West Coast production, over story selection. *Sunrise* was not the movie Murnau most wanted to make.

Instead, Murnau had his heart set on adapting the 1920 Danish novel *Frozen Justice*, about a beautiful half-caste Eskimo wife who runs off to the big city with a ruthless white trader, leaving behind her betrayed Eskimo chief husband, who becomes obsessed with revenge. In November 1925, Murnau wrote to Sheehan from Berlin, "When I read this book the first time, it impressed me immediately as the ideal motion picture story for me, and plenty of ideas came to my mind . . . today I feel fully grown together with the story. I love it and it would be hard for me to part with it." Fox Film already owned the story rights, and Murnaus was sure he could make *Frozen Justice* as an "absolutely novel motion picture production which is sure to be an international success." In fact, he told Sheehan, he wanted to make *Frozen Justice* more than he'd ever wanted to make any other movie.

Something about Murnau's high-hatted attitude—his apparent assumption that whatever he wanted he would get—offended Sheehan. Sheehan didn't tell Murnau directly, but instead communicated through Julius Aussenberg, Fox Film's Berlin-based representative for Central Europe, that *Frozen Justice* would not be a good idea for Murnau because it would require a year's trip to Alaska. Murnau agreed that "of course" he would have to film the movie in Alaska, but he thought six months there would be sufficient. Murnau seemed to think that answer settled the matter. "Please do not hesitate any longer and confirm to Mr. Aussenberg by cable that you sanction my selection of this story."

Absolutely not. Sheehan seemed to delight in refusing *Frozen Justice* to Murnau just because he could. He wasn't really concerned that the story would be too expensive to film. While running up "a large cable bill" trying to steer Murnau toward another story,

Sheehan assigned *Frozen Justice* to John Ford instead. In a December 1925 letter to Ford, Sheehan gloated, "Mr. F. W. Murnau of Berlin . . . is suffering mental anguish and untold tortures" at being denied the project. Neither did Sheehan think that Murnau didn't understand the material. In fact, Murnau's ideas for *Frozen Justice* were good enough to steal. Sheehan sent Ford a copy of Murnau's letter about the project and wrote that he wanted to talk to Ford about Murnau's proposed approach, which he believed presented a "fine opportunity ahead." As events had it, Ford would not make *Frozen Justice*; Allan Dwan would in 1929, but Sheehan had made his point. Not everyone was going to treat Mr. F. W. Murnau like a god.

Sheehan also turned down Murnau's idea for a movie about the Holy Land. The official reason was the likelihood of trouble with American censors, and that probably wasn't far from the truth. Only four years before, in late 1921, Fox had had to abandon philanthropic plans to make a movie of the Oberammergau Passion Play after religious conservatives assailed him for "monstrous" hypocrisy and "crass commercialism." Besides, who could forget Fox Film's previous movie filmed in that part of the world, J. Gordon Edwards's turbid and soporific *The Shepherd King* (1923)? Another project considered and rejected for Murnau was an adaptation of the novel *Down to Earth*, by Viennese writer Julius Perutz.

Finally, Murnau asked Carl Mayer, who had written the original stories for *The Cabinet of Dr. Caligari* and *The Last Laugh*, to help find material. Mayer came up with German naturalist writer Hermann Sudermann's short story, "The Trip to Tilsit," which had been published in a collection of short stories in Germany in 1917 and told of a farmer who plans to kill his wife so he can run off with a wicked city vamp. The plot was close enough to that of *Frozen Justice*—except that here it was the husband who was unfaithful, and the setting was rural northern Germany instead of the Alaskan snowdrifts—to allow Murnau to explore the subject of marital infidelity.

No, Sheehan said once more. "Theme entirely unsuitable to

American audiences, story too heavy, strictly European picture," Sheehan cabled Aussenberg. "We require from Murnau dramatic story of lighter material and necessarily entertaining to American audiences. Anxious to avoid any possible chance of failure. Please continue search for story."

The situation must have exasperated Murnau. Why in the world had Fox Film hired him if it didn't trust his story judgment? Possibly he appealed to Fox. This would explain why, only one week after his refusal, Sheehan sent another telegram, this time authorizing Aussenberg to pay about \$15,000 for film rights to Sudermann's "Trip to Tilsit" and for a script by Carl Mayer. Although Sheehan blustered that the film, later renamed *Sunrise*, would have to present a "strictly modern story eliminating morbid unpleasant scenes" and be "made in modern dress with plenty of comedy," when the agreement was drawn, only Murnau's approval of the script was required. Murnau and Mayer were bound only to "consider" changes that Fox Film wanted.

Fox ascribed no significance to the tug-of-war over the story selection. He saw in Murnau what he wanted to see: "Europe's greatest director . . . The flower of directorial genius." Surely talent would overcome all.

When Murnau arrived in New York on Thursday, July 1, 1926, on the SS *Columbus*, Fox gave him a royal welcome. He put Murnau up at the Plaza Hotel, arranged a press luncheon on board the *Columbus* on July 2, and on July 7 held a dinner honoring Murnau in the Crystal Room of New York's Ritz-Carlton Hotel. An estimated one hundred guests, seated at tables arranged in a square around a sunken garden, included not only leaders in the arts but also U.S. senator Royal S. Copeland (NY–D), the German consul general, several judges, an army general, and a navy admiral.

In a rare public appearance, Fox himself spoke at the event. After praising Murnau for achieving cinematic "perfection" with *The Last Laugh*, he gave the director his commission: "Dr. Murnau, I charge you with the responsibility of making only the very best and finest—the idealistic and the beautiful—and of making for us motion pictures which will win the approval of all classes,

everywhere, and bring new friends to the motion picture."

Murnau, the final speaker of the evening, was visibly moved. Leaning forward, with his hands on the table and "his voice low with earnest emotion," the director promised to make distinctly American movies that reflected the nation's speed, energy, and initiative. "I love my Fatherland, but when I come here I feel the wonderful youth and freshness of your country. I hope through my work, to appeal to that youth—to reach the heart of America," he said. "I hope to create something here that will be worthy of all the wonderful kindness that has been heaped upon me."

The following day, July 8, 1926, although Murnau hadn't yet shot a single frame of film for the studio, a starry-eyed Fox signed him to a four-year contract that would begin on August 21, 1927, after the expiration of their current agreement. By the first contract, Murnau would receive \$40,000 to provide a script and direct one movie; the new agreement bumped him up to \$125,000 in the first year, escalated to \$200,000 in the fourth year, and required him to make only one movie per year.

Another grand fête awaited in Los Angeles, where, on August 4, the studio sponsored a welcoming dinner at the Biltmore Hotel, hosted by a Chamber of Commerce executive and University of Southern California president Rufus von KleinSmid. Again, Murnau seemed overwhelmed by the effusive plaudits and vowed to work toward the screen's "endless possibilities" with "an open mind and an understanding heart."

If, in the spotlight, Murnau seemed the embodiment of Fox's idealized vision of him, offstage the thirty-seven-year-old German was pricklier. He still hadn't forgotten *Frozen Justice*, although he had forgotten the exact name of the project. "Something like *Frozen Nights* or *Frozen Lights*," he told a reporter in New York. "It has wonderful possibilities. Wonderful. Wonderful." At times he came across as haughty and condescending. For all that the studio had done to assure his comfort in New York, he complained that he hadn't been given the luxury American car he had in Berlin, even though evidently that model wasn't available in the United States. Before a visit to Coney Island, he commented, "It must be barbarous

there."

For all his extraordinary artistic talent, Murnau was, unnoticed by Fox, a fallible human being.

After the welcoming celebrations ended, Fox handed Murnau over to Sheehan and Wurtzel on the West Coast. That was a mistake. Neither Sheehan nor Wurtzel had any direct authority over Murnau, who had negotiated his contract directly with Fox and had been guaranteed creative control as well as an unlimited budget. Without authority, Sheehan and Wurtzel had no responsibility—and thus, there would be nothing to gain by interfering, but a lot to lose should Murnau run to Fox with a complaint. Sheehan, who had disliked Murnau from the beginning, had to protect his own position. He was still acting head of production and would not be formally appointed to the position until October 1926. Wurtzel, who knew that Fox perceived him as culturally uncouth, also could not risk a black mark from the boss by presuming to tell the genius director what to do. Wurtzel had more than his job at stake. Five years earlier, he had suffered nervous collapse as a result of Fox's constant castigation. For both Sheehan and Wurtzel, it was safer to stand back and let Murnau stand or fall on his own.

Murnau wanted very much to succeed. He was enchanted by America. "Thoroughly exciting," he said. "I am like a child about it. There are wonderful types here, wonderful faces. Tremendous energy. The whole tradition here suggests speed, lightness, wild rhythms. Everything is novel. Sensational." And he loved California, which he deemed "Nature's own perfect location for the consummation of motion picture ideals." He did not want to get sent home. "Contrary to the impression prevailing here, very few good pictures are being made in Germany. There are few good directors or actors; there are few people who know anything about the cinema. The big companies are loaded with deadwood, sheep."

Murnau, however, knew very little about American film production culture. He didn't understand—and Sheehan and Wurtzel weren't going to tell him—the basic rule of life at the major

studios, especially at Fox Film: that every dollar spent during production would have to come back and bring a few friends with it to the box-office cash register. Heedlessly, Murnau took Fox's instructions at face value. All he had to do, he believed, was to make an extraordinary work of art, regardless of expense.

Spend Murnau did. To find the ideal location for the country scenes with the farmer and his wife at home, Murnau traveled up and down the West Coast, visiting Puget Sound and the Siskiyou Mountains near Mount Shasta in California and venturing into Alberta, Canada, to Lake Louise and Jasper National Park. Fortunately for Fox Film, he settled on the Lake Arrowhead area, in the San Bernardino National Forest, which was relatively near Los Angeles and which had recently been developed as a resort community. Murnau had the studio build him a complete village across the lake from the real Lake Arrowhead village. Production began there on September 25, 1926.

After about six weeks, the *Sunrise* company came to Los Angeles for studio work. At the new Fox Hills lot, completed in the summer of 1926 as a vast collection of outdoor locales, Murnau had the studio build him a \$200,000 set, reportedly the largest ever created for a movie, representing the busy modern city where the farmer and his wife go for a day's holiday. Six- and seven-story buildings flanked a broad mile-long street, and down the middle, real trolley cars ran on tracks toward an elevated railway structure. Murnau also got an entire amusement park and 1,500 rented cars. To supply the necessary energy, Fox Film built a special power plant.

Perfection, that's what Fox had asked for, and that was what Murnau—usually outfitted in mechanic's overalls—intended to deliver. Although Fox Film had provided two of its best actors, *Iron Horse* star George O'Brien to play the husband and *Johnstown Flood* ingénue Janet Gaynor for the part of the wife, Murnau often shot their scenes over and over, up to fifty times. "Very often this was not because of the actors," said Gaynor. For a scene amid the bulrushes, "because the sun would hit a certain bulrush and reflect, we'd have to do a whole scene over." Sometimes Murnau didn't know what he wanted until he saw what he didn't want. Assistant

art director Edgar G. Ulmer told Murnau biographer Lotte Eisner, "Afterwards, when we were looking at the rushes, he would explain what was wrong, what we ought to do differently, and above all how to set about it. We might have to start all over again."

To ensure a wide range of choices, Murnau had most outdoor scenes shot with two cameras side by side, one using more sensitive panchromatic film, with different filters to produce more shades of gray, and the other with regular, orthochromatic film, for higher-contrast images. To get just the right kind of fog for a scene of the husband walking through an open field, Murnau, O'Brien, and Fox Film's special effects expert spent every Sunday for at least six weeks testing various chemicals. O'Brien recalled, "Everybody at the studio was a little perturbed."

Murnau didn't seem to care how much money he spent. He had no reason to care. Fox had given him carte blanche.

Above all, the director's vision had to remain pure. During filming at Lake Arrowhead, Murnau wanted a large tree cut down from a nearby forest, floated to a location on the set, and straightened up again by a crane. The trauma caused the tree to shed all its leaves, but Murnau really wanted that particular tree, so he had thousands of artificial leaves trucked in from Los Angeles and hired laborers to glue them on. After the scaffolding came down, Murnau prepared to begin filming—but noticed that the artificial leaves had withered in the sun. The workers returned, the scaffolding went up again, and the bad leaves were replaced one by one with new ones that were more heat resistant. The whole operation took nearly two weeks, during which time the extras who were needed for the scene with the tree remained idle at full pay.

At one point, Sol Wurtzel, as the studio's West Coast superintendent, tried to suggest thriftiness. Preparations for filming a storm scene had gone awry. A huge whirl of dust was supposed to herald a downpour, but the rain machine started before the wind machine and drenched the set. Do without the dust, Wurtzel urged Murnau, because three thousand extras were standing by, at great expense. No, Murnau replied, "Let them go home and come back in three days, when the sets and stands are dry." Wurtzel had no

power to overrule Murnau. Consequently, everyone waited the three days, the money was spent, and Murnau got his dust storm.

didn't understand Hollywood's Murnau also culture camaraderie, the necessity of paying homage to those in power. He might have done so without too much trouble. Up close, people liked him. He was more shy than standoffish, gave instructions in a near whisper, and had a generous, courtly charm. Gaynor "adored" Murnau. Although she had been all but foisted on him by Sheehan, who was rumored to have a personal interest in her, Murnau accepted her graciously and gave her "gentle and kindly direction." After particularly demanding days, "Murnau would thank me simply, and when I arrived home there would be a great bunch of red roses, expressing his appreciation." His direction transformed Gaynor as an actress. "I learned so much," she said. "Working with him was the equivalent to a year of dramatic school."

O'Brien also greatly admired Murnau. Although the actor had initially viewed his profession merely as a good way to make money, in Murnau he saw passionate dedication to art: "He had the ability, that I always said Jack Ford had, of putting everything away and just having that one life, the film business." Reportedly, even the grips, property men, and electricians working on *Sunrise* idolized the director.

Murnau, however, remained aloof from Fox Film's executives and, at a distance, tended to come across as a chilly, imperious aristocrat. He guarded his work jealously. Only Gaynor, O'Brien, and the film editor were allowed to view the rushes. According to Gaynor, "He even wouldn't allow the film to be processed in the laboratory of the studio. It was taken outside, so that no one ever saw it." Although he may have been motivated largely by insecurity, Murnau's behavior suggested that he regarded the studio's business staff as philistines. His choice of associates didn't warm up the atmosphere. To serve as the movie's art director, Murnau had brought with him from Germany young Rochus Gliese, whom *Sunrise* cinematographer Karl Struss described as "a real Prussian. Boy, he would grit his teeth and he would say, 'It must be so.'"

By early 1927, Murnau had finished filming Sunrise. It was a phenomenal work, one that would transcend time and the limitations of silent film. The film immediately immerses the viewer in the psychological anguish of the husband (George O'Brien). It offers no preamble about his previous life or how he became involved with the dark-haired, cigarette-smoking, heavily made up city vamp (Margaret Livingston) who has come to the country for a vacation and who lolls around her rented room in lingerie. He has been trapped, much like John Schuyler in Theda Bara's A Fool There Was (1915), trapped by sex and the lure of freedom from respectability, responsibility, and routine. However, unlike John Schuyler, this husband never seems to enjoy his sin. At most, he gives in to it like an illness that he is too weak to resist. Also unlike Schuyler, he constantly judges himself. As he listens to the vamp suggest that he stage an accident to drown his wife, as he takes a packet of bulrushes from her to use to save himself, he looks horrified. And well he should. Murnau portrays the wife (Janet Gaynor) as saintly: a devoted mother who delights in their baby, keeps a tidy house, and never confronts him about the affair she knows he is having. Only after she delightedly agrees to go with him for a day's outing to the big city across the lake, only as he advances toward her in their small rowboat with hunched shoulders and murderous intent in his eyes, only then does she realize who he has become.

When they reach the shore on the other side, the wife runs away and jumps onto a streetcar toward the city. The husband follows, and miraculously, the city, which has given rise to the hedonistic character of the vamp, is the force that heals the marriage. The husband buys the wife some cake at a café; she tries to eat it, but breaks down in tears. Later, when they take refuge in a church and watch a wedding, the words of the vows break the evil stronghold in the husband's heart. He begs for forgiveness. They go through all the rituals of renewal: walking down the church steps arm in arm, having a formal photograph taken, drinking a toast with wine at a fancy restaurant, dancing together to a song played specially for them by the orchestra. At the evening's end, they travel back across

the lake in their boat under moonlight.

The return trip is a journey toward a new beginning. It is also a time when the couple must deal with what the husband meant to do on the way over. So, the heavens unleash a furious storm. Briefly, the movie cuts back—it isn't necessary, and it disrupts the story's momentum, but for all the money spent on filming the storm, those shots had to be there—to show swarms of dust enveloping the city. After the waves capsize the couple's boat and separate them, he washes up on shore, but she is lost. He is distraught, until an old man who knows the way the tides work finds the wife alive. A brilliant sun rises. The dejected vamp leaves town. The husband and wife kiss. All is well again.

Murnau told the story almost entirely visually. The first ten-reel version of *Sunrise* used only eighteen intertitle cards—the smallest number of any Hollywood feature to date. That was a little skimpy, Sheehan decided; he added five more after a San Francisco—area preview. Still, it's the images that speak most eloquently, with their captivating beauty and their artistry yet unsurpassed.

After two more Northern California previews, Sheehan cabled back to the New York headquarters with the news that everyone wanted to hear: "Tremendous hit," he enthused. "Sensational artistic popular [knockout] success." According to Sheehan, *Sunrise* was going to be another *What Price Glory*, another *7th Heaven*. Did he really believe that, or did he simply not want to be the person to stick a pin in the balloon?

Amid those euphoric expectations, en route from California to Germany to fulfill his remaining obligations at the UFA studios, Murnau arrived in New York on March 22, 1927. The following day, at a celebratory luncheon at the Ritz-Carlton Hotel, he was ecstatic about his experience at Fox Film. *Sunrise* was his best picture and he had been treated "so wonderfully," he said. Everybody "stood at my side, always willing to give his best, always willing to help me. In this way they all created an atmosphere of harmony in which even the hardest work became a pleasure." He

couldn't wait to return.

Murnau might have wondered why Fox Film was surrounding *Sunrise* with complete secrecy, refusing to screen the movie for anyone. But why would he wonder about that? A few years before, the studio had kept John Ford's *The Iron Horse* an even greater mystery, precisely because it had such great faith in the work. Anticipating a brilliant American career, Murnau boarded the White Star Line's RMS *Olympic*—which was, ominously, the last surviving sister ship of the RMS *Titanic* and the HMHS *Britannic*, the first having met its fate with an iceberg in 1912 and the latter sinking after hitting an underwater mine in the Aegean Sea in November 1916. Fox personally saw Murnau off at the pier, bestowing "fifty dollars' worth of flowers and twenty-five dollars' worth of fruit."

Five days later, Fox publicly praised "Dr. Murnau" as "the genius of this age."

In April 1927, the Roxy Theatre program indicated that *Sunrise* would soon play there, with theater manager Samuel Rothafel touting it as "the greatest motion picture that I have ever seen."

A month later, the situation changed drastically. Murnau, eager to return to Hollywood, arranged for an early release from his UFA contract, and on May 18, 1927, he cabled Sheehan to say he would be available from July onward. When did they want him to start? No reply. On June 11, Murnau wrote to Sheehan pleading for information. The response isn't known, but it couldn't have been encouraging, because Murnau would remain in Germany well past his new contract's official start date of August 21, 1927.

Likely, thoughts at the studio had turned from art to the tough challenges of marketing and promotion. *Sunrise* had been a very expensive movie to make. When production began in September 1926, its expected negative cost (the expense of producing the film negative, excluding distribution and marketing costs) was \$750,000. By completion in early 1927, that number had escalated to \$1.2 million, twice as much as the studio had spent for *What Price Glory* and three times as much as for *The Iron Horse*. In 1927,

most feature films cost from \$25,000 to \$250,000, and movies that crossed the \$1 million line were almost always historical epics with period scenery, lavish costumes, and casts of thousands.

Sheehan had told Murnau to make a modern American film, and Murnau had promised to do so. He hadn't.

Where was the modernity in an unshaven George O'Brien clomping around in heavy farmer's boots and rustic work clothes? In Janet Gaynor's plain, frumpy, long dresses with their full skirts, or in that blonde wig plastered on her head with its odd coiled braid at the back of her neck? In the couple's old-fashioned cottage with its simple wooden furniture? In Gaynor tossing feed to chickens scrabbling around outside their front door? The city scenes did speak of dazzling newness, but the sets had an artificial tidiness that contrasted markedly with the grime and disorder familiar to most American urban dwellers. Murnau's frequent use of multiple exposures and other special effects enhanced the aura of unreality.

And where was the Americanness? Despite all his assurances to the contrary, Murnau had continued to think of *Sunrise* as a German story. When the movie began production in September 1926, the main characters were still officially named, as they had been in the Sudermann short story, Ansass and Indre. Janet Gaynor recalled that when she tested for the role of Indre, Murnau had a specific image in mind: "So I had to get dressed in these drab clothes, and put on a blonde wig, so that I really looked like a German woman." In the movie, when the man calls out for his wife, O'Brien looks as if he's saying, "Indre," and when a neighbor calls out to him, she looks as if she's saying, "Ansass." The city also has a European ambience, with its irregular, curving layout instead of the standard American grid design.

A movie about old-fashioned-looking characters set in a time and place not recognizable as modern America—Sunrise would clearly have to fight for an audience. In the late 1920s, the motion picture marketplace was dominated by glamorous stars such as Clara Bow, Gary Cooper, Greta Garbo, John Gilbert, Gloria Swanson, and John Barrymore, and by momentous, sensational, expansive stories. The first half of 1927 had seen the release of

Bow's *It* (Paramount); *Children of Divorce* (Paramount), again with Bow; and Cecil B. De Mille's *King of Kings*, about the crucifixion and resurrection of Jesus. Upcoming were Paramount's *Wings*, a fighter pilot war picture that aimed to exploit the public's fascination with aviation following Charles Lindbergh's May 1927 transatlantic solo flight; the gritty gangster picture *Underworld* (Paramount); and, fatefully, *The Jazz Singer* (Warner Bros.) as the world's first talking picture feature film.

With American audiences, German Expressionism had not fared well so far that year. Upon its U.S. release in March 1927, Fritz Lang's dystopian science-fiction epic *Metropolis* drew a withering response. In his review for the *New York Times*, H. G. Wells described *Metropolis* as "the silliest film," an "idiotic spectacle" concocted from a "soupy whirlpool" of clichéd, confused, and "immensely" dull ideas. Would *Sunrise* likewise be perceived as pretentious nonsense?

Fox Film was able to neutralize some of the foreignness and unfamiliarity of *Sunrise* by removing the characters' names, so that O'Brien and Gaynor were now simply "The Man" and "The Wife." In the same spirit, an opening title card proclaimed that the story could take place anywhere and anytime. For further audience friendliness, Friedrich W. Murnau became "Fred W. Murnau." There was nothing, however, that anyone could do about the nineteenth-century-style country scenes and costumes.

The movie's presentation to the public would have to be handled very carefully. Although as late as August 1927, Roxy Theatre programs continued to indicate that *Sunrise* would open there, Fox decided he couldn't take the risk, for the sake of both the 5,920-seat theater and the movie. He was still trying to refinance the Roxy's \$2 million in debt that he had inherited from builder Herbert Lubin, and a sea of empty seats would persuade no one to give him the money. *Sunrise* also could not afford any embarrassment. In order to entice exhibitors nationwide into booking it, the movie had to look like a grand success in New York. It was much better to sell out a small house than to hear the wind whistling through a cavernous palace.

As a result, even though he had bought the Roxy so he wouldn't have to do this anymore, Fox rented the 1,080-seat Times Square Theater and prepared to open *Sunrise* there on September 23, 1927. The Fox Film publicity department, never at a loss for orotund rhetoric, worked its superlatives to the point of exhaustion. According to the movie's press book, *Sunrise* was "The most important picture in the history of the movies," masterfully portraying "the great problems to today—the struggle of the home against the world's temptations" and suffused with "terrific" emotional appeal that not even "the Stoniest Heart" could resist. The studio went so far as to predict that *Sunrise* would become *The Birth of a Nation* of its time, revolutionizing the art of film. If that kind of rackety drum beating was out of character with the movie's sublime spirit, it was still the language most likely to draw the public's attention.

To liven up *Sunrise* and coincidentally promote the Movietone system while the rest of the industry was making up its mind about sound, Fox added a synchronized soundtrack with music and sound effects* for the Times Square engagement. *Sunrise* had, of course, been made as a silent picture because very few theaters had yet been wired for sound. By the end of 1927, only fifty-five U.S. theaters were equipped to play Movietone.

Worried that *Sunrise* alone wouldn't pull in enough patrons, Fox augmented the debut program with a twenty-minute Movietone talking newsreel titled "Voices of Italy," featuring—the first time one of his speeches had been recorded—Benito Mussolini. A Fox News crew had corralled Il Duce in Rome and persuaded him to address the American public. In heavily accented English, looking stern, forty-four-year-old Mussolini nevertheless seemed friendly, declaring, "I salute the noble government of the United States. I salute the Italians of America, who unite in a single love our two nations." He was even a good enough sport to get in a good word for Movietone: "This can bring the world together; it can settle all differences; it can become the international medium, educator and adjuster; it can prevent war." Other frames showed a "singing and running regiment of Italian soldiers . . . galloping down the great

plaza where they drilled," and on board an Italian cruiser, white-uniformed sailors climbing up to the mizzenmasts. (If Fox couldn't see the future, neither could American officials: Mussolini's appearance had been arranged with the help of the former U.S. Ambassador to Italy and on film, the current ambassador introduced him.) Also on the newsreel were segments about the seventy-voice Vatican Choir and a tour of the gardens of St. Peter's Basilica.

It was a cleverly designed bill of fare. In 1927, New York's population included nearly four hundred thousand Italian-born immigrants and many others of Italian descent. Fox was aiming, as *Variety* put it, at "Getting all the barbers in five boroughs to hear Ben Mussolini speak his piece." *Sunrise*, Mussolini, and the Vatican Choir—Fox advertised the whole package as "the most important and impressive entertainment ever presented."

If it seemed odd to pair loud, militaristic images of a Fascist dictator with a sensitive, emotionally intimate work of art, dissonance was exactly the point. Pressed to get his \$1.2 million back, Fox had to lure audiences into the theater any way he could. If a patron bought a ticket only to see Mussolini, the money would still count toward *Sunrise*. So much the better if the two audiences were mutually exclusive—Mussolini fans could fill in the empty seats around the Murnau fans. It wasn't unreasonable to think that while one group might shake their heads in consternation at the taste of the other, each would be willing to overlook the other to get what it wanted.

On opening night, a capacity crowd filled the Times Square Theater. Fox himself attended, along with various prominent Italian officials, the German consul, and Catholic prelates. Initially, it looked as if Fox's strategy might work. During its first full week, with two performances daily and tickets priced at \$1.00, \$2.00, and \$2.65, *Sunrise* reportedly earned an impressive \$19,450, and the following week, it took in \$16,900.

Reviewers, most of them, swooned. *Life* magazine's often crotchety Robert E. Sherwood called *Sunrise* "the most important picture in the history of the movies" and wrote that it turned the

camera into "a sort of first person singular" character that told "a nightmarish tale—fantastic and yet disturbingly real." *New York Times* reviewer Mordaunt Hall deemed Murnau "an artist in camera studies, bringing forth marvelous results from lights, shadows and settings" and "a true storyteller." Across trade publications, which many exhibitors consulted when considering which movies to book in their theaters, the language was equally laudatory.

However, even those who loved the movie questioned its commercial potential. Los Angeles Times critic Norbert Lusk explained the predicament. As "one of the most adult and absorbing pictures that ever came out of Hollywood" and "a brilliant tour de force of directorial genius, of intelligence, imagination and resourcefulness," Sunrise ran the risk of being labeled a "highbrow picture" that had only limited emotional appeal. The movie's suspense was intellectual, Lusk wrote, a matter of "wondering what the director will cause his players and camera to do next rather than what the characters will be impelled to do under stress of the situations enmeshing them." Worrisomely, "it remains a fact that the public weeps and laughs with greater ease when a picture runs in the accustomed grooves," and "it is doubtful if the mental reactions of the characters in Sunrise will stir audiences to the extent of a tear or a smile."

By early November 1927, Fox knew the movie was in trouble. At the Times Square Theater, in its seventh week and with prices lowered to \$1.00 from \$1.65, Sunrise was, according to Variety, "slipping into oblivion," with weekly receipts of only around \$7,000. Fox had been planning imminently to open Sunrise at the Fox-Locust Theatre in the Center City district of Philadelphia; at the last minute, he canceled the booking and left the theater dark for a week before the arrival of Warner Bros.' The Jazz Singer. He didn't want to risk the loss. With its relatively small capacity and high operating expenses, the Fox-Locust needed either complete sellouts or very high prices to make a profit. The downward drift in New York continued. By early December 1927, Variety reported, the studio was "giving [Sunrise] tickets away by the handfuls."

Still, Fox kept Sunrise at the Times Square Theater for twenty-

eight weeks, until April 8, 1928, at a total estimated weekly cost of \$10,000. In preparation for the Los Angeles premiere on November 29, 1927, at the opulent new Carthay Circle Theatre, the studio slathered the city with billboards and posters, reportedly more than had ever advertised a movie there before. For further platform engagements, Fox finally sent *Sunrise* to the Fox-Locust in Philadelphia in January 1928 and, a short time later, to large theaters in Newark and Detroit. Although without the services of publicity hoax master Harry Reichenbach, he was trying to turn *Sunrise* into another *Over the Hill*, hoping that by the combined forces of enthusiasm and spending he could compel the public to love a movie that it seemed to want to ignore.

Was Fox also lying about the revenue figures to create an illusion of desirability?

Pete Harrison, publisher of the trade magazine *Harrison's Reports*, thought so. Skeptical about all those brazen claims—"the most important money-getter in the history of film theatres," Fox advertised—Harrison did some investigating. In early March 1928 he reported that *Sunrise* was being given "a forced run" in New York and was "dying" in Detroit. It was only a five-line item in the middle of a column on a back page, but it may have hit too close to the truth to be tolerated. Fox Film's affable general sales manager Jimmy Grainger invited Harrison to his office—he was sure Harrison would want to "correct . . . an injustice"—and showed him healthy-looking figures from the *Sunrise* engagements in New York, Detroit, and Newark.

Harrison almost believed Grainger. After all, he liked *Sunrise* and, in his review, had called it "a marvelous production . . . a revelation of deep psychology to the highest degree." Then he did more asking around. Consistent with *Variety*'s finding, he learned that *Sunrise* had not, as Grainger claimed, taken in a weekly average of \$7,500 to \$8,000 during its twenty-eight-week run at New York's Times Square Theater, but only \$4,500 to \$5,000. In Detroit, where Grainger had said the movie did \$10,000 in business in its fourth week, Harrison wrote that "\$5,300 is the correct figure." As for an alleged \$20,000 during *Sunrise*'s first week at Newark's Terminal

Theatre, that simply wasn't believable. The place was "a dump." Although Harrison had no independent figures for the Terminal, he sent his secretary there on the afternoon of the opening day of the fifth week, a Sunday. Between 2:30 and 4:00 p.m., she saw about fifty people downstairs and couldn't tell how many were in the balcony. When she left at four, two other people came out with her. Harrison decided to stick with his original conclusion: Fox Film was padding revenue figures to disguise the fact that *Sunrise* was "too gruesome for the average picture-goer." If the studio wanted to persuade him otherwise, Harrison wrote, "Let Jimmy Grainger show me the daily box-office statements, signed by the treasurer of the Times Square Theatre and countersigned by the Fox representative, as well as the bank book showing the daily deposits." Grainger didn't.

This came as no surprise. Harrison commented, "Jimmy Grainger is working for the Fox Film Corporation and must necessarily do all he can to show results at the Fox box office."

In the absence of surviving official records, it's impossible to tell who was right or how *Sunrise* fared subsequently when it went into wide release in the fall of 1928. Scattered facts point to gloom. The movie played in only half the industry's twelve key cities: New York, Los Angeles, Philadelphia, San Francisco, Chicago, and Minneapolis. In the heartland, it caused confusion. Pity the poor owners of the State Theatre in Detroit Lakes, Minnesota, who, based on glowing news from New York, booked *Sunrise* as a benefit event for the local Girl Scouts. Patrons created such an uproar upon discovering that the movie was about a husband who wants to murder his wife so he can run away with another woman that the theater owners published a public apology in the local newspaper: "Never in our eight years of operation . . . have we been so humiliated and so completely misled in our selection of a picture."

After *Sunrise* disappeared from the market, Fox would never speak of it as a proud accomplishment.

Why did such an artistic masterpiece falter? Film history scholar Janet Bergstrom blames Fox Film's decision to pair *Sunrise* with the Mussolini newsreel for the showcase New York engagement. The

sensitive work of art and the showy, histrionic dictator were each "oriented toward an entirely different universe of thought and audience address," with Mussolini's brassy performance overwhelming the movie and cramping critical praise. "In short, Mussolini and Movietone upstaged Murnau, and shortchanged *Sunrise*." Had it been introduced by itself, Bergstrom writes, "*Sunrise* would have had a much better chance to win its own audience across America on its own terms."

That was one point of view. Trade publications reported that in the initial weeks, the Mussolini segment seemed to be propping up the movie, doing as Fox intended and depositing in the cash register dollars that otherwise would have stayed in their patrons' wallets. Pete Harrison of *Harrison's Reports*, who investigated *Sunrise* revenues more persistently than any other reporter, believed that Mussolini boosted the movie's weekly revenues at least threefold. When all was said and done, he wrote, "But for the Mussolini feature, *Sunrise* would have died the death of a dog."

One factor that definitely hobbled *Sunrise* was the competition. On October 6, 1927, less than two weeks after the *Sunrise* premiere, Warner Bros. opened *The Jazz Singer* at the 1,360-seat Warners' Theatre in New York. Although audible dialogue in *The Jazz Singer* occurs only twice, each time lasting only a few minutes, with the rest of the characters' words communicated through standard intertitle cards, Hollywood's first talking feature film created a sensation. Earning \$9,900 in its first two and a half days, *The Jazz Singer* went on to gross \$3.9 million in the United States. Other movies, all silents, that were pulling in large audiences included *The Big Parade*, which had opened nearly two years before, in November 1925, *Wings, Underworld, The Student Prince*, and *King of Kings*.

All movies, however, face competition and less-than-ideal conditions. *Sunrise* wasn't so much a vast failure as a vast disappointment for Fox. In that respect, the movie's greatest handicap may have been the weight of expectations it had to bear as a result of its \$1.2 million expense. To get his money back, Fox demanded that the movie perform like broad, crowd-pleasing entertainment. *Sunrise* couldn't do that. Murnau had never

understood that it should do that. Instead, he had concentrated on doing what Fox had asked him to do, creating "the very best and finest—the idealistic and the beautiful." Perhaps if Murnau had better understood, if someone had explained to him, the unvarying commercial basis of American studio filmmaking, he might have found a way to make the same movie more cost effectively—without, for instance, the tree that twice needed artificial leaves glued on.

After *Sunrise*, Murnau fell off his pedestal. To Fox, he now became like every other director, someone who needed the studio's close supervision.

Murnau probably anticipated this fate after the studio's chilly treatment of him in the spring of 1927. Although he had been released from his UFA contract and had no other work to detain him in Germany, he didn't attend the New York premiere of *Sunrise* on September 23, 1927, and instead returned to the United States on October 7. He managed to rally himself for the November 29 premiere of the silent version* in Los Angeles, but there he was among friends, admirers, and fellow artists and ran no risk of encountering an unhappy William Fox.

Evidently disheartened, Murnau delayed starting work on his next film, 4 Devils, a drama about four young circus trapeze artists, two men and two women, whose friendship and professional harmony are threatened when one of the men succumbs sexually to a wealthy vamp. Probably in early October 1927, when Murnau spent a few days in New York following his arrival from Germany, he and Fox had discussed the project, and Fox had laid out a whole new set of rules for their relationship. There would be no more hands-off policy and no more financial carte blanche. Also, from now on, Eva Fox would now be involved. The boss's wife looking over his shoulder, despite all he had worked so hard to give to the art of film: no wonder Murnau temporized.

On December 22, 1927, guilt overcame him. Ruefully he wrote to Fox, "my not having communicated with you until now, weighs

heavily on my mind. So with this letter I shall try to make good for that and begin the New Year and my new picture with a clear conscience." He would start work on 4 Devils on Tuesday, January 3, 1928, and was "greatly delighted with my story and with the forthcoming production." He'd keep costs "reasonable," Murnau promised, "since exorbitant settings like in Sunrise are not required, and since I have also tried my utmost, in order not to be subjected to California weather-whims, to have all my settings on the Hollywood stages, with only a very, very few exterior shots." Now that he knew the rules, he would follow them. And yes, humbly, he would submit to higher authority. This must have been a difficult sentence to write: "I shall mail you a copy of my script and I certainly would like to hear from you and Mrs. Fox, as to your opinions about the story, and suggestions."

Five days later, Fox wrote back. His opening salutation sent a message by itself. Although Murnau had addressed his letter to "My dear Mr. Fox," although only nine months earlier Fox had spoken of him as "Dr. Murnau," the great director had now become "My dear Fred." Courteous, respectful, encouraging even, Fox nonetheless instructed Murnau how to go about his work. The script for *4 Devils* ought to contain not only "screen drama," but also "pathos, thrills, well-timed and well calculated comedy situations intermingled with the other emotions which I am certain every large picture requires." Once he and "Mrs. Fox" received the script, they would read it and send back comments promptly.

The production didn't go well. Although it was by no means cheaply made—more than 1,300 extras were hired for the circus audience, and some scenes were shot with six cameras—the studio imposed economies. Murnau had wanted both his lead actors from *Sunrise*. He got only Janet Gaynor. George O'Brien, he was told, was too big a star for *4 Devils*. Instead, unknown Charles Morton played the seduced aerialist. And none of Murnau's advisers, presumably not even the astute Mrs. Fox, seemed truly to understand the story. Murnau had to shoot four different endings. He wanted a tragedy, the story of a man who begins an affair impulsively and casually, and thus incites a chain of events leading not only to his own death

but also to that of the kindhearted young woman who loves him. That version tested well. The studio substituted a happy, romantic ending before the premiere in New York on October 3, 1928. In May 1929, with no input from Murnau, another director reshot about a quarter of the movie to incorporate sound.

Many reviewers tried to be kind, but 4 Devils was no Sunrise, so most of the praise went to Janet Gaynor for a sensitive, sympathetic performance. Life magazine critic Robert E. Sherwood didn't bother with niceties. Labeling 4 Devils "almost shockingly trite," he commented about the plot, "Such goings on have not been witnessed since the hottest days of Theda Bara and Louise Glaum." Of Murnau, he lamented, "I hate to see so substantial an idol as this crumbling before my eyes."

Murnau came back for another try with *City Girl* (1929), which he had wanted to title *Our Daily Bread*, "to tell a tale about WHEAT—about the 'sacredness of bread'—about the estrangement of the modern metropolitans from and their ignorance about Nature's sources of sustenance." The studio changed the story to a romance between a young farmer (Charles Farrell) and a city waitress (Mary Duncan, who had played the glamorous, wealthy vamp, in *4 Devils*), and generally interfered so much that Murnau quit before the movie was finished. Nobody tried hard to stop him. On February 4, 1929, Fox Film let the director out of his contract, even though he had made only two of the four required movies. Then the studio chopped *City Girl* down to a running time of only sixty-eight minutes and had nearly half the film reshot by another director to include spoken dialogue.

Surviving documents don't indicate who exactly at Fox Film took such a heavy hand with 4 Devils and City Girl. Likely Fox was more involved with the former than the latter. By the time of City Girl, he seems to have been willing to do for Murnau no more than honor the four-year contract he had impulsively given him on July 8, 1926. Probably it was Sheehan, trying to guess what Fox wanted, who demanded most of the changes for both movies and got them because Murnau no longer had direct access to Fox. Indifferent now to the once-revered German genius, Fox abandoned Murnau to

Sheehan. In Fox's view, there were other talented directors.

Despondent over his experiences in Hollywood, Murnau formed a production company with documentary filmmaker Robert Flaherty, producer and director of the successful *Nanook of the North* (1922). In May 1929 Murnau sailed to the South Pacific to make *Tabu*, a drama of young lovers whose innocent happiness is destroyed both by an Old Warrior, who wants the girl to become a sacred maiden dedicated to the gods, and by the Westernized, money-centered society of the island to which they escape.

Perhaps Murnau was translating his interpretation of his experiences at Fox Film, meditating on his failure to adapt himself and the love of his life, motion pictures, to a commercial culture. At the end of the movie, the Old Warrior steals the girl back, and the boy drowns trying to swim after their ship. Murnau, too, had lost his chance at happiness because he had not protected the movies properly when their future was entrusted to him. He, too, had failed to provide financially. Now the treasure had been reclaimed. In *Tabu*, the boy has nothing to live for once he realizes he belongs to the girl's past. In real life, after three Fox Film failures—that was how the industry judged those movies at the time—Murnau had become a person of little importance to the Hollywood power structure.

Murnau returned to California in late 1930, settling into a low-key, secluded existence at an old-fashioned hotel near the ocean in Santa Monica. Asked by a reporter to describe his experiences at Fox Film, he laughed and said only, "No." By late February 1931, he had arranged for Paramount to distribute *Tabu*.

On March 10, 1931, a week and a day before the movie's scheduled premiere in New York, Murnau was seriously injured in a car accident north of Santa Barbara. His car, driven by his valet, had been traveling on the Pacific Coast Highway when it swerved to avoid a truck, pitched over an embankment, and crashed upside down some thirty feet below, on top of Murnau. His skull was fractured, his ribs broken, and his lungs punctured. He died in a local hospital the following morning. He was forty-two.

The Triumph of Movietone

In the spring of 1928, the rest of the motion picture industry made up its mind about sound technology. All the major studios chose to adopt Fox's Movietone sound-on-film system instead of Warner Bros.' Vitaphone sound-on-disk or RCA Photophone's sound-onfilm.* The signal event occurred on May 14, 1928, when Paramount, MGM, and United Artists executed fifteen-year contracts with Western Electric; by late July 1928, Universal and First National had also signed up. Over the next three months, they were joined by Hal Roach Studios, Christie Film Company, and Columbia Pictures. According to Fox, "[N]one of them made their pictures on disk, but all of them adopted the Fox system of sound and image on the celluloid." Warner Bros. continued making movies with Vitaphone, but would switch in 1930 to sound-on-film because of the expense of breakage and shipping the sixteen-inch records. As for RCA's Photophone sound-on-film system, during the late 1920s its only studio customers were RKO and Pathé, both of which RCA owned. (In 1933, Disney would sign up for Photophone, and over the next few years, so would Republic Pictures, Warner Bros., and, for some of its films, Columbia Pictures.)

As the major producers went, so did the major film exhibitors. Largely, one group was the other. Thousands of theaters nationwide, representing at least one-third of the total seating capacity, were owned by or affiliated with the studios, which naturally wanted to make sure they could play their movies there.

In the spring to midsummer of 1928, while it was theoretically possible for theater owners to install and use RCA Photophone equipment to play Movietone films, in practice that would have tempted trouble. Western Electric's contracts prohibited studios from renting movies made on its equipment to any theater with a rival manufacturer's installation.* For that reason, the remaining independent theater chains also had a strong incentive to sign up with Western Electric. (Warner Bros. wasn't shut out because Western Electric had designed the projector equipment so that Vitaphone could be played on a Movietone machine with an inexpensive extra part.) Not until December 1928 did Western Electric formally drop its ban on interchangeability with RCA Photophone. By then, the direction-setting commitments had been made.

With Movietone as the forefront technology, sound swept through the American motion picture industry at whirlwind speed. By February 1930, Hollywood studios were producing only 5 percent silent pictures. Major exhibitors rushed to keep up, embracing Movietone. At the end of 1927, there had been 157 theaters in the United States equipped for sound, 102 of them for disk only and 55 for both disk and film. One year later, Western Electric had completed 1,046 theater installations, with 1,032 for disk and film. By July 1930, nearly all the nation's 2,000 first-run theaters had been wired for sound. Small theaters in small towns took longer to abandon silent pictures, but as of 1935 both production and exhibition in the United States had converted 100 percent to sound.

In ascribing credit for the motion picture sound revolution, film history invariably tips its hat to the Warner brothers because of their early development of Vitaphone and their October 6, 1927, release of *The Jazz Singer*. The foremost scholar on Hollywood's transition to sound, Douglas Gomery, has written, "Warner Brothers had proven sound's saleability. Fox just developed that section of the market, newsreels, ignored by Warner Brothers." Thus,

concludes Gomery, "Warner Brothers was the innovator of sound ... Fox Film Corporation followed Warner Brothers' lead with much less difficulty."

In fact, Fox played a key role in the sound revolution and did far more than tag along after the Warners. He had known since the early 1920s that motion picture sound was inevitable and imminent, and he developed Movietone in almost the same time frame that Warner Bros. worked on sound-on-disk. The Warners formed Vitaphone in April 1926; Fox started Fox-Case in July 1926. Although it took Fox more than a year after *The Jazz Singer* to release his first talking feature film, initially he didn't have the assistance of AT&T's Bell Telephone Laboratories.

Furthermore, while The Jazz Singer certainly demonstrated the tremendous public appeal of sound movies, it did nothing to allay the fears of other studio heads. Before undertaking the trouble and expense of converting to sound, they needed to be convinced that this time the technology would actually work. The Jazz Singer failed to do that. Amid the movie's clamorous reception, no other producers rushed to sign up for Vitaphone. All recognized, as Fox had known, that sound-on-disk was unsuitable for widespread diffusion. "Vitaphone was extremely cumbersome and unreliable throughout shooting, editing, and sound mixing," explains sound historian and sound editor and mixer Larry Blake, whose credits include Erin Brockovich, Ocean's Eleven, Syriana, and Behind the Candelabra. "Flexibility during production and creativity during post-production were severely limited." Regarding exhibition, Rene Brunet, owner of New Orleans's Prytania Theatre, who as a boy started working in theaters around 1930, comments, "I'll never commit suicide—if I would have, it would have been when I was trying to keep Vitaphone records in sync." When streetcars rumbled by on Prytania Street, Brunet remembers, the Vitaphone needle often skipped.

Fox showed the industry a viable, profitable way to meet public demand for sound. Beginning in early 1927, he poured money into developing Movietone News as a first-class news organization. In addition to the Mussolini* and Vatican choir segments that

accompanied the *Sunrise* premiere in September 1927, Movietone News covered a wide array of events during 1927. Among them were Charles Lindbergh's whirring, bouncing takeoff on May 20 from Roosevelt Field, Long Island, on his historic transatlantic solo flight; an outdoor march of West Point cadets, complete with trumpet signals and a drillmaster's orders; a speech by Irish nationalist Éamon de Valera denouncing British rule; the changing of the guard at Buckingham Palace; and, ominously, German Army soldiers goose-stepping to the music of the von Hindenburg march in Berlin. In late 1927, Fox began adding Movietone News field crews worldwide at the rate of one or two per month, and on December 3, 1927, Movietone News began regular weekly service as the world's first talking newsreel. Fox believed so much in the future that he acted as if it were already present.

Given the enormous expense facing the industry in the conversion to sound, Fox knew that the broader business community had to be won over as well. In February and March 1928, Fox Film held three Movietone demonstrations at the Western Avenue studios in Los Angeles, primarily for the commercial and investment bankers who would be called upon to help finance the new sound equipment and facilities. Several dozen business leaders attended each presentation, and the response was overwhelmingly positive. After the first one, Los Angeles lawyer Alfred Wright, who organized the events, wrote to Winfield Sheehan, "You cannot go too far in assuring Mr. Fox of the keen interest not only in Movietone itself but in his work in its development." Cabling his congratulations to Fox, Los Angeles real estate developer Edwin Janss commented, "I was most agreeably surprised and amazed . . . The Movietone in my opinion is perfect." No other movie studio undertook any such outreach effort, and Fox Film received nothing in return.

Fox may not have been essential to the sound revolution. Absent him, the major producers would most likely have adopted RCA's Photophone sound-on-film system. Yet Fox did develop Movietone, and Movietone was the way the most major studios got started making talking pictures.

Another claim that has obscured Fox's contribution to the sound revolution is that the major studios ended up using a Western Electric system that replaced a key piece of the Fox-Case technology—in technical terms, Western Electric substituted a light valve for the AEO flashing light method of translating sound to electrical impulses. However, that substitution evidently didn't occur until 1929 or 1930,* well after the major studios had committed to Movietone, and it was not considered to make a substantial difference. Through 1929, without noting any distinction, Western Electric advertised its sound-on-film system under the brand name Movietone, indicating that the technology was the same as that used by the Fox Movietone newsreels, which employed the Fox-Case AEO flashing light method. Western Electric would later quietly bury the Movietone name when the company's relationship with Fox deteriorated.

Even after the motion picture industry made its commitment to adopt sound in the spring and summer of 1928, Fox kept pushing. Other studio heads wanted to proceed slowly, to continue releasing silent movies and gradually phase in sound. The main reason for their caution, Fox believed, was that the industry was carrying at least \$100 million worth of silent movies on the books as a current asset. (The customary practice was to amortize a movie's negative and positive costs within a year from the release date, and Hollywood studios had collectively been spending about \$100 million a year on production.) If sound took over all at once, that \$100 million of inventory would be worthless—this at a time when producers would be pouring out a fortune for new facilities, new equipment, and new creative and technical personnel. Foreign income was another important consideration. International markets accounted for more than 30 percent of U.S. studios' gross revenues, and other countries were expected to shun English-speaking movies.

As always, Fox had no patience with nail-biters. Again he led the way. In an astonishing ninety days, he built Movietone City, a brand-new \$7 million sound-era studio* on forty acres (previously

occupied by cactus and sagebrush and stables for Tom Mix's horses) at the one-hundred-acre Fox Hills lot. On July 28, 1928, about 1,200 laborers began working nonstop, seven days a week in three consecutive eight-hour shifts. The result was the largest and best-equipped talking pictures studio in the world, the "eighth wonder of the world," according to Fox Film literature, and for Fox himself, "a dream come true." Powered by the largest privately owned electricity plant on the West Coast, Movietone City had twenty-seven reinforced concrete buildings that ranged from four enormous structures, each containing two soundproof stages, to a fully equipped hospital with a physician and surgeon on staff, to cottages for the stars. The property had its own police and fire departments, and gardens designed after those at Versailles. Surrounding the forty-acre oasis, as if to preserve its pristine vision of the future from influences of the past, was a fourteen-foot-high concrete wall.

The eight soundproof stages, housed two apiece in four buildings, represented an unprecedented engineering achievement. Because the main problem in recording sound is eliminating unwanted noise, and because the basis of sound is vibration, the new studios had to be completely stable. Consequently, they were designed as buildings within a building. The four outermost structures were huge concrete shells anchored on piers stretching two hundred feet long and reaching eighteen feet into the ground. Inside each shell, separated by a wide, dead airspace, was another entirely separate concrete building suspended by steel rods from the roof of the exterior building. Within each interior building, using the same system of suspension and dead airspace, were two soundproof stages. Believed to be the first manmade, absolutely silent spaces on earth, the stages allegedly wouldn't feel an earthquake unless the fault line ran directly underneath them.

Fox meant Movietone City as more than a state-of-the-art place of business; he saw it also as a kind of community institution. For the October 28, 1928, opening day dedication ceremony, invitations went out to fifty thousand people, and even more showed up, bringing with them an estimated fifteen thousand cars that jammed neighborhood streets in every direction. (All was peaceful: the

studio had imported a Stanford University traffic expert to manage the logistics.) In midafternoon, the celebration opened patriotically and inclusively. A band played "The Star-Spangled Banner"; prominent Protestant, Jewish, and Catholic clergymen gave speeches; the Versailles-style gardens had been planted with a flower or shrub representing every state in the union. Delivering the keynote address, former assistant U.S. attorney general Oscar Lawler described Movietone City as an emblem of motion picture idealism.

To no one's great surprise, William Fox did not appear. That is, he was there as much as he cared to be, in the vision and reality of the place, but not in person. He still shunned direct acclamation, still preferred to be the mysterious force behind the grand achievement.

Movietone City made the impression Fox wanted. Called the "country club" studio, it was considered the most beautiful one in Hollywood.

Curiously, Fox didn't release his first talking feature film, Mother Knows Best, based on the Edna Ferber novella about a pushy stage mother who ruins her daughter's chances for romance, until October 28, 1928-more than a year after Warner Bros.' The Jazz Singer. With so much money and pride invested in Movietone, he wasn't willing to risk embarrassment. Feature films, requiring the willing suspension of disbelief, were a much more demanding format than newsreel segments, where a viewer could forgive mechanical-sounding voices or technical glitches because of the value of the subject material. Before the latter half of 1928, Fox hadn't been ready for talking features. Now, with Movietone City up and running—and with Theodore Case having perfected his AEO flashing light recording method and Fox-Case chief engineer Earl Sponable improving Movietone equipment's portability and ease of operation—he was ready. After adding synchronized soundtracks to many silent movies, Fox set about claiming the remaining sound-era milestones.

In December 1928, Fox released the first outdoor talking feature film, *In Old Arizona*. Shot partially in the Mojave Desert, the story of

Mexican bandit the Cisco Kid, the movie opens with the ringing of bells and the audible flutter of birds' wings and goes on to showcase the frequent pounding of horses' hooves, the whistle of a passing train, a rooster crowing, and bacon crackling in a skillet. Much of the conversation is pointless, seemingly included just to show that now people could talk in the movies. Often the characters shout at each other, as if the actors either didn't trust the microphones or didn't completely realize they were in a movie rather than onstage. Nevertheless, *In Old Arizona* won effusive praise—the *Los Angeles Express* called it "nothing short of triumphant. It advances the art of the talkies distinctly ahead of any rival attempt"—and by early 1930, it would take in \$1.03 million against production costs of \$305,000.

At Fox Movietone News, one notable achievement after another raced onto the calendar. In October 1928, the frequency of the service was increased from weekly to twice weekly; on December 1, 1928, to three times weekly; and on February 2, 1929, to four times weekly. With fifty news crews dispersed worldwide by the end of 1928 (the end of only its first year of regular service), Movietone News had already preserved a sparkling array of celebrity subjects and historic events. King Alfonso XIII of Spain genially invited Americans to visit his country; Britain's ailing king, George V, dedicated a bridge, only the second time his voice had been recorded;* Herbert Hoover delivered his acceptance speech after the 1928 presidential election; and George Bernard Shaw did an impression of Mussolini. Fox's old friend from the 1919 Academy of Music visit, the Prince of Wales, appeared three times. When the Kellogg-Briand Pact, a fifteen-nation agreement outlawing war, was signed in Paris on August 27, 1928, Movietone News microphones caught the sounds of rustling and cheering in the Salle de l'Horloge as German foreign minister Gustav Stresemann inscribed the first signature. When Italy's Mount Etna erupted in early November 1928, hurling molten lava at two Sicilian towns, Movietone News recorded the noise of houses collapsing.

On March 24, 1929, head of production Sheehan made an announcement that literally stopped traffic: henceforth the studio would make no more silent movies. Fox was the first studio to break completely with the silent era, and the news was so startling that when it flashed on the *New York Times*'s electric ribbon in Times Square, crowds stood still to stare, blocking vehicles in the road.

Fox won no friends among his peers with his new all-sound policy, which put intense pressure on the others to keep pace. Although the introduction of sound had significantly increased earnings for all the major studios in 1928, many of the industry's leaders were not persuaded either that the timing was right or that it ever would be. They had good reason to resist. As of March 1929, only about two thousand of the nation's fifteen thousand movie theaters were wired for sound, and projectionists, even the best of them, were still learning how to operate the new equipment. In the spring of 1929, during three of the four movies that *Harrison's Reports* publisher Pete Harrison saw at Fox's Academy of Music in New York, the sound system failed, causing interruptions of five to twenty minutes, "to the great merriment of the spectators, who yelled and jeered, urging the pictures to talk."

Shortly after Fox's all-sound announcement, only small, scrappy Columbia Pictures also pledged to eliminate silent pictures. Paramount, M-G-M, Universal, and even Warner Bros. refused to commit themselves exclusively to sound. Universal founder Carl Laemmle commented, "Personally, I like the silent pictures. I work hard during the day and when I go to see a motion picture I want rest and relaxation, and the silent pictures give it to me . . . There's another angle to the matter also. I have trouble with my hearing, and I have to strain to hear the talkies." Within a year, all the major studio heads had followed Fox and given up on silent film.

In perspective, *The Jazz Singer* may have acquired its landmark status largely because of Fox's contributions. It was Fox who pushed to replace sound-on-disk with sound-on-film (so quickly that history tends to blur the distinctions between the two technologies), and it was Fox who spent the money to prove, via Movietone News, that this time sound would work. No studio except the Warners wanted

Vitaphone. All the other majors wanted Fox's Movietone.

Aside from the satisfaction of having played a key role in successfully introducing sound to the motion picture industry, Fox got very little back for his effort and expense, which he estimated first at \$2 million and then, as his resentment grew, at \$6 million. He was supposed to get exclusive sound newsreel rights, as well as an exclusive, five-year license to make educational, industrial, religious, and scientific sound movies, while the other Movietone-licensed studios would receive only theatrical motion picture rights. AT&T had verbally promised him this during a series of conferences.

However, shortly after the other major studios signed up with ERPI for Movietone sound, Fox learned that they, too, had been granted newsreel rights. M-G-M moved quickly to exercise that part of the license, announcing on June 23, 1928, that it would soon begin the M-G-M Movietone News, to be produced in conjunction with the Hearst organization.

"I complained about it. I told them [AT&T] that they were violating our complete understanding," Fox said. It wasn't fair. With the exception of Warner Bros., none of the other studios had contributed anything to talking pictures research, and now "they were to benefit by the experience and the money that the Fox companies had expended." Phone company executives explained to Fox that they couldn't show preference to any one licensee, that all the contracts had to be the same. Fox didn't believe it. The real reason, he suspected, was the RCA Photophone had offered newsreel rights as part of its deal, and Western Electric wasn't willing to lose enormous future profits on that point.

Competition between the two companies had been extremely close. Many experts considered Photophone sound-on-film superior in quality to Movietone sound-on-film. Photophone used a "variable area" method that translated sounds into different lengths of lines, creating a horizontal, jagged-tooth pattern on the sound portion of the filmstrip. Movietone used a "variable density" method that

represented different sounds as different shades of gray on horizontal lines of the same length. "Variable area" was subject to less interference than "variable density," where any imperfections on the film emulsion would distort the shadings and cause an annoying ground noise.* Photophone theater installations were also priced considerably lower, costing \$6,500 to \$15,000 compared to \$13,000 to \$23,000 for Movietone. According to *Film Daily*, after the Big Five studios' one-year moratorium expired in February 1928, RCA Photophone appeared to be in the lead.

Countless millions of dollars were at stake. ERPI's newsreel promise to Fox had to be sacrificed.

Otterson assured Fox that the phone company still intended to fulfill its other promise and would give Fox Film an exclusive five-year contract to make industrial, educational, and religious sound films. When Fox was ready, they would provide the appropriate papers. Fox recalled, "Although we asked for those papers every time we saw representatives of the Telephone Company, we never got those papers."

Quietly, calmly, Fox exacted revenge. Although in May 1928 he began negotiating Movietone equipment contracts with ERPI on terms identical to those received by the other major studios, and although he would abide by those terms, he never signed the contracts. That left him free to quit Western Electric at any time.

To reinforce the strength of the threat, he made an important decision about the Tri-Ergon sound-on-film patents that he had optioned in October 1926 after they failed to generate any profits for their owners in Europe. Around July 1927, on the advice of ERPI's lawyers, Fox had exercised part of his option and bought the North American rights for about \$60,000. Although Tri-Ergon's application was still under review by the U.S. Patent Office, if approved, the patents would be worth a fortune because they purported to govern essential parts of both the Movietone and Photophone systems. Fox would be entitled to collect royalties from both companies and could even go into business as a competitor to

them.

In the aftermath of their dispute over the Movietone newsreel rights, Fox took care to appear as if he were continuing to respect the phone company's wishes. In mid-1928, it was time for him to make a decision about Tri-Ergon's worldwide rights. Fox wanted to buy them. Otterson, wary of Fox's penchant for control, no longer wanted him involved with patents. According to Fox, Otterson told him, "If you want our company's help from time to time, you will not exercise these rights. You can do things better with the backing of the Telephone Company, and if you want the Telephone Company as your friend, we insist that you don't exercise this option." Fox let his option on the worldwide rights expire. On August 14, 1928, he cabled Otterson, then in Europe, to confirm that action and assure him: "My interest in this matter is to insure and protect your company in Europe as we have done in this country and I am still willing to act on your advice."

Three weeks later, on September 4, 1928, Fox got even. Formalizing the transfer of the Tri-Ergon North American patent rights from the Swiss Tri-Ergon company, Fox named himself personally as the new owner. Otterson hadn't expected that. He had assumed that Fox would assign the Tri-Ergon rights to the Fox-Case Corporation, which would have been contractually obligated to share them with Western Electric/ERPI. Fox now had a potential weapon against the phone company. Fox promised Otterson that he had no ill intent and would make the North American Tri-Ergon rights available for their mutual benefit. Unspoken but implicit was the condition that he would do so only if the phone company flew straight with him from now on.

No one was going to push William Fox around.

The One Great Independent

The world is ready to receive masterpieces of the cinema.

—WILLIAM FOX, 1928

As Fox pushed Movietone technology forward to lead the sound revolution, he seemed invincible. Beginning in 1927, Fox Film entered a golden age commercially and artistically, establishing itself decisively at the top. Among the studio's releases during the late 1920s would be some of the early film industry's most significant accomplishments, movies that made a difference then and that still matter today.

Creatively, Fox remained the studio's supreme guiding force. Winfield Sheehan, installed as West Coast head of production in the fall of 1926, had little independent authority. As Fox later explained, "He was a subordinate. He acted under my orders. He was required to and did consult me in most things that he did, and had to receive my approval before he could proceed." Fox's absolute control arose from the simple fact that he had never sold any of his 51 percent ownership of Fox Film's voting stock and so no one could overrule him. In that respect he was unique: in order to fund expansion, all the other major studio heads had taken bankers onto their boards of directors. Proud not only of what he had achieved but also of the way he had achieved it, Fox adopted a new slogan for Fox Film: "The one great independent."

In his philosophy of filmmaking as well, Fox rejected the industry's conventional wisdom, which more than ever emphasized the importance of stars. Instead, Fox continued to believe in directors as the primary architects of success. By 1927, Fox Film's staff of thirty-five directors included some of Hollywood's most admired names: F. W. Murnau, John Ford, Howard Hawks, Raoul Walsh, Frank Borzage, and Allan Dwan. In addition to Murnau, two of them especially anchored Fox Film as a first-rate studio: John Ford and Frank Borzage. Catching Fox's vision, willing to work within the well-defined boundaries of his preferences, they advanced the art of motion pictures as they advanced their own careers.

With six years and twenty-one movies made at Fox Film as of early 1927, Ford was the most dependable interpreter of the studio's outlook. He gave Fox back the thoughtful side of himself, the part that looked back and regretted the losses. No theme better captured this longing for a treasured past than that of mother love. Now that Fox Film had the means, now that his talent had matured, Ford raised to the status of art what previously had been the simple sentimentality of movies such as *Over the Hill* (1920).

Ford's Four Sons (1928, silent) was based on the Saturday Evening Post short story "Grandmother Bernle Learns Her Letters," about an elderly Bavarian woman who loses three sons in the Great War and then comes to New York City to live with her surviving son, his wife, and their young boy. It was Ford's particular genius to make simultaneously a standard-issue Fox Film and an evocative personal statement. "Grandmother" became "Mother" Bernle, consistent with Fox's opinion that no stronger love existed than that of a mother for her child, and Margaret Mann as Mother Bernle looked very much like Over the Hill actress Mary Carr, who in turn had looked very much like the beloved Anna Fox. Father Bernle is neither seen nor mentioned. Ford evidently knew quite well that, in Fox movies, fathers were irrelevant except as villains or as heroic sons with their own families. The movie concludes with Mother Bernle finding happiness for the rest of her days when her loving son in New York welcomes her into his home.

Originally, *Four Sons* didn't have that straightforward happy ending. After viewing the director's cut, Sheehan decided that the son's wife came across as having "an icy cold bearing" and the son as insufficiently overjoyed by his mother's impending arrival. The audience, Sheehan instructed Ford, "wants to see how faith and hope can conquer over adverse circumstances." Ford complied. By the time the movie was released, the son and his wife had become warmly devoted to each other, and in the last scene, Mother Bernle wakes up in a fireside chair in their apartment, her grandson in her lap. Mother Bernle says, "For all Thy blessings, dear God, I thank Thee—" and the movie ends with mother and son embracing.

There was no harm, not really, in any of that. It was simply the cost of doing business at a major studio that needed to get its money back. Within the given constraints, Ford added distinctly personal touches. *Four Sons* pays tribute to Murnau, with whom (despite Sheehan's attempts to set them at odds with each other) Ford developed a friendship when Murnau was filming *Sunrise* in late 1926. The Old World scenes of *Four Sons* were filmed in Germany: foggy battlefield imagery recalls the dark, misty atmosphere when George O'Brien staggers through the swamp in *Sunrise*, and the portly, uniformed mailman, who controls Mother Bernle's fate with the letters he delivers, strongly resembles Emil Jannings's hotel doorman in Murnau's *The Last Laugh*.

Four Sons also shows Ford's sympathy with the heartfelt antiwar sentiments of Raoul Walsh's What Price Glory. For audiences who a decade earlier had been assaulted with images of Germans as bloodthirsty beasts, the first title card of Four Sons made a sharp point: "The Old World—A sleepy contented village, people gentle and kind—" It's the army officers who bring tragedy to the friendly, peaceful community. Ford vividly signals the coming sorrow. During the first march to war, as German soldiers parade in the background, a cemetery full of white crosses occupies the foreground and middle ground. The closest cross tilts askew. In one of the movie's most powerful moments, two of the four sons meet on the battlefield: one, fighting with the U.S. Army, finds his German soldier brother dying in an otherwise deserted camp. The

American gives his German brother water; they stare at each other in recognition. As the German brother dies, the American clasps him. Then he has to join his fellow soldiers in the march ahead. Reviewers acclaimed *Four Sons* as "[a]n entirely fresh slant on the World War," and "the greatest film Ford has ever made."

Commercially, *Four Sons* didn't succeed solely on its own merit. It needed a strong push, which Fox provided. According to *Harrison's Reports*, during the first half of its sixteen-week debut run beginning February 13, 1928, at the Gaiety Theatre in New York, *Four Sons* averaged a respectable \$10,000 a week. Receipts then dropped off steadily, and for the last week, ending in early June, they amounted to only \$6,000. Reportedly, that number was so low because in order to fill seats and make the movie look big, the studio gave away many free tickets.

Trusting that *Four Sons* would have greater appeal among the masses, Fox took a big risk by moving it to the 5,920-seat Roxy Theatre on August 11, 1928. His instincts were right. During its first week at the Roxy, *Four Sons* set an alleged world's record with earnings of \$143,906.75. Subsequent weeks each brought in about \$125,000, well above the Roxy's break-even point of \$84,000, and upon wide release, the movie beat house records across the country. In 1929, *Photoplay* readers chose *Four Sons* as the best picture of the year.

Ford's *Mother Machree* (1928, silent) made an even more intimate appeal to Fox Film's "mother love" ideal, melding Ford's experience with Fox's and, indeed, with that of a great many sons and daughters of lower-class immigrants. Based on the lyrics of a 1910 song and a subsequent short story both by Rida Johnson Young, *Mother Machree* means "mother my heart." Ford said, "*Mother Machree* is the story of all emigrant mothers from all lands in its symbolism."

Ellen McHugh, whose fisherman husband has died in a storm at sea, leaves her quaint, friendly Irish village in order to give her son, Brian, who is around seven or eight, a better life in America. To pay his fees at an elite private school, she works in a circus sideshow as the "half lady," using an optical illusion that makes it look as if her

body has been amputated from the waist down. When the female school principal discovers Ellen's occupation, she threatens to expel Brian unless Ellen allows her to adopt him. Heartbroken, Ellen agrees. She then becomes a domestic in a wealthy home where, years later, Brian, now a lawyer, shows up to court the family's daughter. Although Ellen lingers in the room, he doesn't recognize her. A true Fox Film mother, she keeps her silence—but in the end they are reunited.

Like Four Sons, for anyone who cared to look deeper, Mother Machree was more than a sob story. The movie sharply criticized the harsh reception that America sometimes gave to vulnerable, well-meaning new arrivals. Although less than thirty minutes of Mother Machree is known to have survived, Ford often made his best points in small moments, and the remaining footage expresses itself clearly. The young widow trying to find work in the United States stands outside an employment agency looking at job listings when a hand hangs up a "No Vacancies" sign, and one sees, from behind, Ellen's head turn to the side and look down. Her humiliating freak show job makes her look like half a person and forces her to endure the amused derision of strangers. Later, the faded Ellen picks a withered flower out of a bouquet on a table in her employer's home. Hers have been the sort of sacrifices that sustain the American myths of opportunity and mobility—because of her selfdenial, her son can walk into a luxurious home on a social call—yet America has looked through Ellen as if she weren't there.

Surely those images must have touched Fox. His mother had told him many stories about her vivacious girlhood in Hungary, about the ribbons in her hair and the red boots she wore proudly, yet he had known Anna Fox only as a stooped, careworn woman who would lose seven of her thirteen children to New World ghetto conditions and who would do everything possible to ensure that he ascended far above her. Perhaps the movie could bring belated justice. Fox said he hoped that *Mother Machree* would stir sympathy for the downtrodden.

As with Four Sons, Fox kept faith with Mother Machree even though it earned only mediocre revenue and mixed reviews during

its opening run on Broadway, first at the Globe Theatre and then at the Times Square Theater, in the spring of 1928. Lavishly advertised, *Mother Machree* redeemed itself when Fox sent it into wide release in the fall of 1928. The movie became one of Fox Film's highest-earning pictures of the 1928–1929 season.

Ford proved equally skilled with other staple Fox Film story elements. The mean, selfish father showed up in *Hangman's House* (1928) as a hanging judge who insists that his daughter marry a dissolute wealthy man she doesn't love. *Upstream* (1927) celebrated professional camaraderie and the power of faith: the residents of a theatrical boardinghouse form a sort of family, and one of them, an unsuccessful ham actor, achieves greatness after a producer, believing he is someone else, hires him to play Hamlet on the London stage. By 1929, Ford was widely recognized as an artist who could spin gold out of even the humblest story material.

Of all the creative talent ever assembled at Fox Film, Frank Borzage probably came the closest to being the sort of director Fox would have been had he chosen that career. Fox valued no quality in a movie more than "heart appeal," and Borzage, in his mid-thirties, the son of Italian immigrants who was born and raised in Salt Lake City, Utah, established himself on the Fox lot as "the director with a heart."

Everybody liked Borzage. Colleagues described him as "a big, powerful and gentle man . . . silent and lovable," "very soft spoken," and "very sensitive." To work with, he was practically ideal. Cinematographer Joseph Ruttenberg explained, "He had a fine, gentlemanly way of directing . . . never got excited, never bawled anybody out . . . just talked with his actors, discussed the scene, and went to work."

While John Ford gave Fox the story of his relationship with his mother in *Four Sons* and *Mother Machree*, Borzage made three movies reflecting the other great relationship theme of Fox's personal life: the redemptive power of romantic love. Anna Fox had stood behind her son and pushed him forward; Eva Fox stood beside

him and always believed in his greatness. Neither husband nor wife had ever loved anyone else, and in nearly thirty years of marriage, according to Fox, they had never yet had any moment of division. In *7th Heaven* (1927), *Street Angel* (1928), and *Lucky Star* (1929), all three with Janet Gaynor and handsome newcomer Charles Farrell, Borzage pictured the sort of pure, joyful love Fox believed he had in his marriage.

Based on a hit Broadway play, with principal filming started on January 24, 1927, 7th Heaven tells the story of Chico (Farrell), a Paris sewer worker skeptical of love and religious faith, and Diane (Gaynor), who has been mercilessly beaten and forced to steal by her absinthe-addicted older sister (Gladys Brockwell), who is evidently a prostitute. To prevent Diane from being arrested, Chico impulsively tells a policeman that she is his wife and brings her to his apartment after the policeman threatens to check up on the story. Innocents at heart, they overcome each other's defenses and fall in love—"Chico . . . Diane . . . heaven," he tells her—and then are separated because it's 1914 and Chico must go off to fight in the war. All seems lost when circumstances indicate that Chico has been killed. Diane falls into despair. Then, miraculously, Chico reappears and declares that it was their mutual faith in a good God, "the Bon Dieu," that saved him. True to Fox Film tradition, the ending echoes the code of love set forth in Raoul Walsh's The Regeneration (1915) with its glowing letters, "God is love."

The film 7th Heaven was so recognizably magnificent that even though it was made after Sunrise, Fox decided to release it first—evidently to build up Janet Gaynor in the hope that audiences would follow her to the other, more difficult movie. That didn't work. It may even have backfired, alienating viewers from George O'Brien's troubled husband character, whose inner conflict drives the plot of Sunrise. How could anybody want to kill that poor girl after all she'd been through in 7th Heaven?

Premiering in May 1927 at Los Angeles' Carthay Circle Theatre, where it would remain for a phenomenal twenty-three weeks, *7th Heaven* won uniformly excellent reviews as "a gem of the purest ray serene" and "tender and tragic and wholly appealing." It went on to

earn worldwide gross rentals of \$1.8 million.

Borzage's Street Angel (1928, silent) is essentially the same movie as 7th Heaven—except that it takes place in Naples instead of Paris, except that Gaynor plays a hot-tempered circus performer instead of a forlorn waif and Charles Farrell an artist instead of a sanitation worker, except that poverty instead of war separates the lovers. But it is the same movie. The opening intertitle card says so: "Everywhere ... in every town, in every street ... we pass, unknowing, human souls made great by love and adversity." Some reviewers complained that Street Angel was too much like 7th Heaven: "a carbon copy of its predecessor, a little worn thin" and "at the most only a synthetic jewel." It's probably fairer to say that the movie's main flaw was that it came second, and that had the order of release been reversed, 7th Heaven might have been perceived as the "me, too" movie. Most critics who judged Street Angel on its own merits were captivated. So were audiences. Street Angel opened to near-capacity business at New York's Globe Theatre in April 1928 and, months later, after moving to the Roxy, earned "sensational" revenue during a four-week run.

Lucky Star (1929, silent) proves itself equal to 7th Heaven and Street Angel. Once again, love and faith miraculously overcome adversity. Confined to a wheelchair as a result of wartime injuries, unable to return to his job as a telephone lineman, Charles Farrell's Tim Osborne has no romantic prospects and few visitors to the small cabin where he lives alone. Janet Gaynor's Mary Tucker is unkempt, uncouth, and sneaky, maltreated by her bitter, widowed mother who is trying to run a farm that doesn't pay. She begins to visit Tim regularly; they fall in love and transform each other. When her mother arranges for the newly attractive Mary to marry an alleged better prospect, Tim quickly learns to walk again, and rushes to rescue her. Implausible? Not for anyone willing to see the metaphorical truth about the healing power of love. And many were willing to see it. There were too few movies being made like this, heartfelt and soaringly hopeful. Just as 7th Heaven and Street Angel had, Lucky Star became a huge popular success.

Although Borzage would make dozens more movies during a

career that lasted until 1961, he never again reached the heights he did in the late 1920s working for Fox. In Fox, Borzage had the blessing of an all-powerful boss who saw in him and welcomed from him the best he had to give.

If, as Fox said in 1928, "The world is ready to receive masterpieces of the cinema," it was also true that it was extremely difficult to make masterpieces. Many Fox movies fell below that standard. Howard Hawks, having started his directing career at Fox Film in 1926, was still learning; none of the six movies he made between 1927 and 1929 was particularly distinguished. Raoul Walsh tended to repeat himself. First, he reworked *Carmen* (1915) into *Loves of Carmen* (1927) with a highly mannered Dolores del Rio instead of the instinctive Theda Bara and, worse, Victor McLaglen as Escamillo. One reviewer lamented, "[T]he marine in *What Price Glory* dressed in Spanish clothes . . . O dear me, no!"

Downstream, Fox Film's bargain basement remained open for business with titles such as *Plastered in Paris* (1928), *Wolf Fangs* (1927), *Stage Madness* (1927), *Not Quite Decent* (1929), and *Girls Gone Wild* (1929), the last one about a wealthy young woman involved with a gangster bootlegger. As cinematographer Charles G. Clarke, who worked on both *Four Sons* and *Plastered in Paris*, observed, motion pictures were "a product like shoes or anything else. They make a \$10 pair of shoes and they make a \$40 pair of shoes. It's what the customer wants to pay."

Fortunately for Fox, the first presentation of the Academy Awards took place on May 16, 1929, and honored films released in 1927 and 1928, by far the studio's two strongest years. It wasn't much of a ceremony—just a fifteen-minute affair sandwiched into a dinner at the Hollywood Roosevelt Hotel that was meant primarily to celebrate the second anniversary of the Academy of Motion Picture Arts and Sciences. There was no suspense because all the winners had been announced three months earlier. And there were only twelve categories, with some awards given for achievement in

multiple films. Press coverage was scant.

Still, this was history, the first important formal recognition of artistic achievement in motion pictures. Of the twelve inaugural Academy Awards, Fox Film won five:

- * Best Director, Frank Borzage, for 7th Heaven;
- * Best Actress, Janet Gaynor, for 7th Heaven, Street Angel, and Sunrise;
- * Best Writing, Adapted Story, Benjamin Glazer, for 7th Heaven;
- * Best Cinematography, Charles Rosher and Karl Struss, for *Sunrise*; and
- * Unique and Artistic Production to Fox himself for Sunrise.

No other studio did as well. Paramount came in second, winning four awards, while United Artists took two and M-G-M only one. Overall, two movies led the field with three awards apiece: *7th Heaven* and *Sunrise*. Both those movies also had the greatest number of nominations, five and four respectively. It was a phenomenal score card for Fox Film, which a few years before had been widely scorned as a purveyor of cheap hokum.

Fox didn't attend the Hollywood Roosevelt dinner. He no longer cared for the applause of his peers. He had lived too long without it and had learned to rely instead on faith in himself and on the approval of the ticket-buying public. To collect his "Unique and Artistic Production" award for *Sunrise*—arguably the most prestigious one of the group because the "Outstanding Picture" award, given to Paramount's *Wings*, had been decided solely on the basis of box-office returns—Fox sent Sheehan. If they hadn't wanted him as part of their community before, he wasn't going to come running now just because they had changed their minds.

Although the transition to sound during the latter half of 1928 incited "an almost hysterical state" across most of the motion picture industry, it caused no great distress at Fox Film. With Movietone City and its eight state-of-the-art sound stages in full

operation as of late October 1928, the studio began turning out talking pictures that mainly showcased Movietone's capabilities. In Fox's first talking feature, *Mother Knows Best*, Madge Bellamy sang and did an impression of Al Jolson. After *In Old Arizona* catalogued the sounds of wide-open spaces, *Speakeasy* (1929) recorded the bustle and snap of New York City life with scenes of a boxing ring, a racetrack, night clubs, the subway, and Grand Central Terminal. The courtroom drama *Thru Different Eyes* layered the sounds of tapping typewriters and telegraph keys, reporters phoning in their stories, and pedestrians clattering over an iron sidewalk grille just outside the building. *The William Fox Movietone Follies of 1929* presented a Ziegfeld Follies type of musical revue.

One movie had higher ambitions. The most socially significant of the early Fox talking pictures, reflecting Fox's foundational belief that film could instigate broad change, *Hearts in Dixie* was the first all-black feature film made by a major studio. With only one white cast member in a secondary role, it was nonetheless aimed at the primarily white mainstream audience.

The issue of race in America had continued to trouble Fox ever since The Nigger (1915) provoked an angry response from the African American community. On-screen, Fox had retreated into conventional attitudes, which were on display as late as 1928, when Howard Hawks's Fazil, about a doomed romance between an Arab prince and a French woman, came across mainly as "a cold and almost scientific exposition of the thesis that an Occidental girl should not marry an Oriental man." Still, in the mid-1920s, encouraged by his companies' renewed prosperity, Fox had pushed forward with his ideals in other ways. For the November 1926 premiere of What Price Glory at Broadway's Sam H. Harris Theatre, the studio made a special citywide effort to recruit African American women to work as usherettes. When Fox's lease at the Harris ended, he rented the Times Square Theater and transferred the women there. On the West Coast, Fox Film had become known as an unusually good place for African American actors to find work as extras, the only sort of on-camera employment they were likely to find at any major studio.

With the arrival of sound, Fox understood that the door could open wider for minorities. Silent film had inclined audiences to perceive characters almost entirely visually and to attend sharply to differences in skin shades and facial features. Talking pictures added the humanizing dimension of speech and literally gave characters their own voices.

In late 1928, shortly after Movietone City opened, the studio began work on *Hearts in Dixie*. The immediate impetus appears to have been that, at M-G-M, director King Vidor was preparing to make an all-black musical, *Hallelujah*. Vidor, however, had had to fight for the project and got approval only after he promised M-G-M that he would invest his guaranteed salary as 50 percent of the budget. Although *Hallelujah* had already been in production for a few weeks when *Hearts in Dixie* started shooting in Bakersfield, California, on November 25, 1928, *Hallelujah* would be released several months after *Hearts in Dixie*.

Viewed from a later vantage point, Hearts in Dixie seems painfully clichéd and full of demeaning racial stereotypes. Set in the post-Civil War South, the story focuses on a rural three-generation African American family consisting of the elderly, dignified farmer Nappus (Clarence Muse), his hardworking daughter, Chloe (Bernice Pilot), her lazy and irresponsible husband, Gummy (Stepin Fetchit), and Chloe and Gummy's young son, Chinquapin (Eugene Jackson). After Chloe and her infant daughter fall ill and die, Nappus must take charge of his grandson's future. There isn't much more to the plot than that, so filling up the time are scenes of field laborers in tattered clothes singing and joking as they pick cotton, Gummy's extended comic buffoonery, dancing, and more singing. In ads for Hearts in Dixie, Fox Film would emphasize "[a]ll the happy-go-lucky joy of living, laughter and all-embracing gusto of plantation life below the Mason and Dixon line . . . cake walks, folk dances, native jazz orchestras."

In its own time, however, *Hearts in Dixie* was actually quite daring. No one was asking for this movie to be made, and there were many good reasons not to make it. Theaters in the Southern states were legally required to be segregated, so that blacks, to the

extent that they went to the movies at all, attended small, down-atthe-heels venues that couldn't afford to pay the sort of film rental fees required by major studios. And it was highly unlikely that large, luxurious, prosperous Southern theaters catering to whites would be interested in offering their patrons any reminder of the outcome of the Civil War. So frightened was Hollywood of losing business in the South that when Universal made Uncle Tom's Cabin (1927), director Harry Pollard decided to rewrite history (and the message of Harriet Beecher Stowe's incendiary novel) by portraying greedy Northerners as the true instigators of racial strife. In advance publicity, Pollard said, "The true Southerner was and is-and the Negro will be the first to bear me out in this—kindly, considerate and, in short, the Negro's best friend." Uncle Tom's Cabin offended many whites in the South anyway. Bookings in Atlanta were canceled under pressure from the mayor, and in Birmingham, Alabama, censors banned it. Although the movie did well in foreign markets, overall it failed to earn back its costs.

Even in supposedly sophisticated areas of the North, an all-black movie would be risky. On the evening of November 6, 1928, nineteen days before *Hearts in Dixie* started filming, an incident took place that Fox could not have overlooked. It was Election Day, and on Long Island, in the Woodmere-Hewlett district where Fox Hall was located, the voters elected the entire GOP slate and gave presidential candidate Herbert Hoover a three-to-two margin of victory over Democrat Al Smith. A local newspaper reported, "Woodmere Klansmen celebrated the Republican victory by setting off a huge fiery cross, perhaps 12 feet in height, in the vacant lot opposite Woodmere Fire Hall. The cross was discovered almost immediately after the results were announced." No one denounced the event as an expression of racial prejudice, but the Woodmere fire chief was upset about the danger to nearby buildings.

Fox didn't turn back. Although *Hearts in Dixie* didn't have a deluxe budget like *7th Heaven* or *Four Sons*, the studio did hire accomplished personnel. Star Clarence Muse was one of the most respected African American actors of the 1920s, a founding member of the Lafayette Players who had acted in Harlem with that

company and with the all-black Lincoln Players. Stepin Fetchit was a well-established vaudeville comedian* who'd had a prominent role in the M-G-M movie In Old Kentucky (1927), and under his real name, Lincoln Perry, he wrote an intelligent, thoughtful column for the Chicago Defender. Muse especially was glad to get the work in Hearts in Dixie. Having earned a degree in international law in 1911 from Dickinson College in Carlisle, Pennsylvania, he had been aghast to discover African American lawyers with "patches all over their clothes, chasing ambulances and hustling hard to make a buck." Acting seemed a more decorous occupation. Also hired for Hearts in Dixie was the sixty-voice, all-black Bilbrew Chorus, and to direct, Paul Sloane, who was white but who in mid-1928 had been the first film director to graduate from RCA's two-month motion picture sound training program. (By contrast, M-G-M's Hallelujah used all unknown performers; female lead Nina Mae McKinney had been a chorus girl in the hit Broadway musical Blackbirds of 1928.)

According to Muse, the atmosphere on the *Hearts in Dixie* set was respectful and uplifting. As he wrote in the *Chicago Defender*, "There is an ardent desire of the heads of the firm that not one word or action that tends to ridicule or burlesque the Afro-American is to be used in the production. The heartfelt interest in the care of the artists, both important and small, is beyond human realization . . . I want you to know that each and every person on all the sets and locations had the 'soul of the black folks' in their hearts."

Beneath the gloss of the movie's lighthearted, fast-stepping entertainment lay a subtly subversive message: education is the way out of oppression. Nappus sees this clearly after his daughter and granddaughter die because the superstitious Gummy, instead of calling in the knowledgeable and willing-to-help white physician, has summoned "the voodoo woman."* Clutching his raggedy hat in both hands, Nappus sadly observes, "We didn't know. We just didn't know." He loves his grandson too much to let him remain in this culture of ignorance. Selling his farm and his mule and suppressing his deepest longing for the boy's company, Nappus sends Chinquapin north for an education.

Fox loved Hearts in Dixie, watching it over and over alone in his office projection room and in Fox Hall's home theater. Beginning in March 1929, he gave the movie a first-class presentation at Broadway's Gaiety Theatre, with tickets priced at the prestige level of two dollars. Critical response was divided. Mainstream daily newspapers generally cheered, describing the movie as "[t]he most delightful entertainment in all New York," and "a touching picture of simple humanity that is immensely affecting and honestly amusing." In the African American press, reviewers debated the merits of commercial compromise versus moral idealism. Maurice Dancer, reviewing the movie for the Pittsburgh Courier, a leading African American newspaper, sneered at Muse's portrayal of Nappus as an Uncle Tom "good, good, good ole darky" who was so kind and good "that he allowed the kind ole voodoo lady to kill his kind daughter." Dancer wrote, "Mr. Sloane had at his command thousands of dollars and the opportunity to pick the world's best authors, composers, and artists, instead of that he preferred to adhere to the old tradition that the American public loves to see our people singing in the cotton fields and dancing in the sand barefooted."

On the other hand, NAACP secretary Walter White, who was black, decided to accept some progress as better than none. At least Hollywood was interested in making a movie, any movie, about African American life. *Hearts in Dixie* might be a "minstrel show," White conceded. "That, however, does not seem to me important. With the vast amount of race prejudice in America and particularly because the producers of moving pictures must depend upon a nation-wide distribution which includes the South, it is almost impossible to start off with the presentation of anything but the old stereotyped concepts of the Negro."

Despite its compromises, *Hearts in Dixie* failed commercially. Although Fox Film reported cheery results for the movie's first full week at the Gaiety, alleging box-office revenue of \$10,276, about \$1,000 above the theater's average weekly take, that number was suspect. Income for each of the next two weeks fell below \$9,000, and by the fourth, final week, business was so bad that the studio

refused to disclose the receipts. In Los Angeles, where *Hearts in Dixie* opened on March 6, 1929, at the United Artists Theatre, promoters tried lowest-common-denominator marketing with "a colored mammy in the theater lobby, serving pancakes and coffee in southern style." Ticket sales were not appreciably better. For the movie's nationwide release, ads touting alleged sellouts continued for a short while, then disappeared. Bluntly, crudely, a sign of the times that such language would be printed in a respectable publication, *Motion Picture News* had predicted that "rank and file" white audiences would never accept *Hearts in Dixie*: "To them it'll be just a lot of jigs jigging."

Financial disappointment always brought out the worst in Fox. He had evidently anticipated it—at least he didn't feel strongly enough to intervene when, several weeks before Hearts in Dixie opened, West Coast executives told star Clarence Muse that they would not exercise his contract option for further services. Muse had given an outstanding performance and had been professional and cooperative with publicity. Now he tried to salvage what he could. He believed the studio had promised him a \$500 option fee. Although he hired a lawyer, wrote letters, and sent telegrams, Sheehan and Wurtzel refused to pay. The actor eventually gave up and settled for transportation expenses to Chicago. It's not known if Muse tried to reach Fox directly, but given his dignified temperament and Fox's aura of inaccessibility, it seems unlikely. Muse accepted his fate and chose to remember his experience at Fox Film in a positive light. Decades later, writing to Fox's niece Angela Fox Dunn, he praised "the genius of William Fox and his unwritten compassion for entertainment" and made no mention of his unseemly dismissal.

It must have stung Fox to see *Hallelujah*, released by M-G-M on August 20, 1929, become a commercial success. That movie relied far more on damaging racial stereotypes than *Hearts in Dixie* did. In *Hallelujah*, characters speak lines such as "I sure is going to eat myself plenty of cornbread and chitlins here tonight" and "Seems like the devil's done took a hold of me," and generally presents African Americans as so driven by lust that spiritual ecstasy merges

with sexual desire. Sex, violence, jazz, and a voyeuristic look at the black community's flamboyant revival meetings: those were the main lures of *Hallelujah*. Fox certainly knew how to use salacious story elements to hook an audience, but with *Hearts in Dixie* he chose not to. His movie's mind was on the higher potential of an ill-treated race. Still, it was *Hallelujah* that made the money.

To support his movies, Fox pushed ahead aggressively to expand Fox Theatres. Following his March 1927 purchase of New York's Roxy Theatre, he made two other major acquisitions that transformed the company into one of the nation's largest exhibition circuits.

First, in January 1928, Fox bought the remaining two-thirds of the stock of the West Coast Theaters chain, the portion that had eluded him in the summer of 1925 when Sol Lesser and the Gore brothers ran out of his office without their hats and coats. After Lesser and his First National colleagues sold out to the Hayden, Stone & Co. banking firm, Hayden, Stone had packaged the West Coast Theaters shares with stock in a midwestern theater chain to create the Wesco Holding Corporation. Hayden, Stone then put the new company up for sale and—even though this was precisely the outcome that Lesser and the Gores had tried to avoid—began negotiating with Fox. Naturally they did. Hayden, Stone was in the money business, and Fox had money. Fox agreed to pay \$16 million for Wesco, gaining an additional 300 theaters in seven western states and raising Fox Theatres' total of fully controlled properties to 340.

His second major purchase took place about six months later. On July 22, 1928, Fox announced that he had bought the twenty-theater Poli circuit in New England for \$25 million, with another \$1 million budgeted for renovations and conversion to sound. The Poli chain was the oldest privately owned circuit in the United States and one of the few remaining large, well-operated independent theater groups. Together, Wesco and Poli provided important, new guaranteed outlets for Fox movies and bargaining tools with other

studios' theater chains.

Fox also pushed ahead with construction. In January 1928, concurrent with the Wesco purchase, he announced a two-year plan to build twenty-five Fox theaters seating five thousand or more. Construction costs would average \$6 million, for a total estimated outlay of \$150 million. Fox understood the importance of place: one didn't just go to see a movie; one also went to be in a theater. As leading theater interior decorator Harold W. Rambusch wrote, "The vast majority of those attending our theatres are of very limited means. Their homes are not luxurious and the theatre affords them an opportunity to imagine themselves as wealthy people in luxurious surroundings . . . In our big modern movie palaces there are collected the most gorgeous rugs, furniture and fixtures that money can produce. No kings or emperors have wandered through more luxurious surroundings." Sumptuous theaters also offered a way to offset the growing economic frustration of the lower orders amid the boom of the late 1920s, the feeling that everyone else was getting ahead faster. Rambusch commented, "In a sense these theatres are the social safety valves in that the public can partake of the same luxurious surroundings as the rich and use them to the same full extent."

From 1927 through 1929, Fox would open seven palatial new Fox Theatres in Brooklyn, Detroit, Oakland, St. Louis, San Francisco, Atlanta, and Washington, DC. Spanning a wide range of architectural styles, all shared a love of staggeringly ostentatious display. No dollar was spent but that it shouted for attention, no surface remained unadorned lest it connote a lack of means to fill it. The \$5 million, 5,200-seat St. Louis Fox, designed to resemble a Hindu temple in India, ranked as the second-largest movie theater in the country after the Roxy. Its slightly smaller architectural twin, the Fox Detroit, had a two-ton stained-glass chandelier that measured thirteen feet in diameter, and its Wurlitzer organ was the second largest in the world. Dominating the auditorium of the \$3.5 million, 3,400-seat Oakland Fox was a large bronze Buddha, decorated with emerald-and-ruby-colored jewelry and sitting in front of a green silver ornamental grille. The \$10 million, 5,000-

seat, Gothic-style Fox Theatre in Brooklyn was topped by a twelvestory office building.

Altogether it was quite a story, one over which Fox continually marveled. Twenty-five years before, he had been a nobody. Now he was shaping American culture.

Storm Signals

As the Fox empire expanded at full tilt during the late 1920s, the corporate atmosphere changed. It had never been exactly a happy family, and at heart it was still a family, but with so much more at stake, tensions escalated and relationships became more labyrinthine, rivalrous, and fearful. Behind the sturdy redbrick façade of the Tenth Avenue headquarters and the cheery gardens and welcoming Spanish-style architecture of Movietone City and the

Western Avenue lot, the studio became known as "an organization with a temper." According to one journalist, Fox Film "specializes in executives who pound the table. All of them stop fighting only

because of exhaustion."

That tone was set from the top. Fox was more wound up and more prone to impulsive, caustic eruptions. "In temperament Fox is dynamic, often explosive, and this doesn't mean maybe. Once to have seen him roused to wrath is a thing never forgotten. When most angry, at first he often appears to be embarrassed. This has often misled people, who didn't know him, to their rue," observed trade journalist Merritt Crawford. "When once Fox begins to stutter, get ready for the riot call. Or make your exit by the shortest route. It is an unerring storm signal."

It wasn't that Fox cared less about his employees than before, but rather that he continued to care about them with a level of responsibility that was no longer feasible. He tried to hold on to a close-knit spirit. At the Fox Film annual sales convention in Atlantic

City in May 1927, he encouraged the sales staff to bring their problems to him and other executives so that management could "learn at the feet of the men who have the closest contact with the exhibitors." To those who had recently joined Fox Film and who were used to a different type of boss, "Fox's intimate talk and request for information from the floor was a revelation."

Sometimes he was accessible, setting aside his own concerns to solve others' problems. In mid-1927, when a theater seating contractor who had refurbished the Fox-Locust Theatre in Philadelphia was having difficulty collecting his bill of more than \$16,000 from Fox's friend Albert M. Greenfield, Fox intervened. The work was all "in perfect working order," he chided Greenfield in a letter, yet Greenfield's company had ignored the contractor's repeated pleas for payment. "I am embarrassed," Fox wrote. Greenfield fobbed the matter off on an underling, who tried to settle the bill by offering the contractor shares of stock in Greenfield's companies. An even-more-annoyed Fox wrote again to Greenfield to point out the obvious: "Of course this man would not know what to do with those securities. All the work he has done for us has been paid for in cash and he expects to be paid in cash in this instance." Write a check now, Fox instructed. Greenfield did. Several months later, when the manager of the Fox Film branch office in Atlanta died, Fox sent a personal check for \$5,000* to the widow and then had the company buy life insurance policies for 861 employees in the U.S. and foreign offices. Fox Film paid the full premium and allowed each employee to name his or her beneficiary.

Once, Fox even forgave the worst of all possible crimes: stealing from the company. A studio executive, returning from a trip to Europe, excitedly told Fox he had learned that the manager of the Fox Film office in Berlin, evidently Julius Aussenberg, was routinely pilfering funds. "You have to fire him," the executive insisted heatedly. No, Fox replied calmly, that was exactly what he wasn't going to do. "This man already has a nice home and a nice automobile and jewelry and furs for his wife," Fox explained. "A new man would have to start stealing from scratch." He didn't fire the Berlin office manager.

Increasingly, though, in trying to be a good father to his professional family, Fox became the absent father—always away on business, always busy with activities that most of his dependents would learn about by reading the papers, if they learned about them at all. He never came by a movie set anymore. Even Janet Gaynor, Fox Film's most valuable star in the late 1920s, had virtually no contact with Fox: "I only met him to say how do you do. He didn't seem to have anything to do with the running of the studio. This may not be true, but at least it was so as far as I knew."

Fear of the distant, volatile, all-powerful boss permeated the studio's West Coast management. As head of production, the second-most-powerful position at Fox Film, Winfield Sheehan puffed himself up into the image of a high-living, gregarious studio sultan. He built himself a mansion on a wooded hill at 1197 Angelo Drive in Beverly Hills and outfitted it with a ballroom, tapestry-covered walls, and a library ceiling imported from Spain. For his frequent parties, he often hired an orchestra and set the table with gold dinner plates and gold goblets.

Still, Sheehan knew that his position was precarious: his future depended entirely on maintaining Fox's favor. To distract himself from this unalterable fact, he drank too much and had affairs with pretty young actresses—one was Madge Bellamy, sixteen years his junior and psychologically vulnerable because, a short time earlier, she had been raped on a first date;* another was Fifi D'Orsay, twenty-one years younger. To debilitate potential usurpers, Sheehan fought with anyone in danger of getting too close to Fox.

Directors, whom Fox viewed as the main creative force in filmmaking, represented a vulnerable category. Among them, Sheehan antagonized three of the studio's top names. He and John Ford hated each other. During filming of *The Black Watch* (1929), a wartime drama set in India starring Victor McLaglen and Myrna Loy, the two argued so vehemently that Ford went on a furious drinking binge. Howard Hawks mocked Sheehan's police department background by having a policeman thrown into the water in *A Girl in Every Port* (1928) and openly scorned the "dialogue director," a former burlesque comic, forced on him for

The Air Circus (1928). After that, Hawks recalled, "I didn't make a picture for a year and a half." Raoul Walsh described Sheehan as a "sawn-off ramrod" and called him "Little Caesar." According to Walsh, "Arguing with Sheehan never did much good. I had known him to agree with me and then do what I objected to anyway."

Sheehan directed the worst of his attacks toward his closest rival, Western Avenue lot superintendent Sol Wurtzel. Wurtzel had been overseeing production for Fox Film since 1917, nearly a decade longer than Sheehan, and had formed strong ties with two of Sheehan's enemy directors. John Ford considered Wurtzel a close friend and, in 1927, appointed him as the guardian and executor of his estate. Ford also hired Wurtzel's brother Harry as his agent. In return, said Wingate Smith, Ford's assistant director, "Sol protected him, got him out of many a jam." Howard Hawks also got along well with Wurtzel. If Sheehan were to slip in Fox's esteem, Wurtzel might move forward.

No sooner had Sheehan arrived as head of the West Los Angeles lot (later Movietone City) than he began fighting with Wurtzel. In the spring of 1927, when Wurtzel left on a vacation (his first in fifteen years, a six-week trip to Cuba, Florida, and New York), a rumor circulated that he wasn't coming back. Sheehan pressured Fox to fire Wurtzel. Fox may have been tempted. He had considered the idea a few years before, when Wurtzel had a nervous breakdown. At that time, Fox had sent Jack Leo out from New York as a possible permanent replacement. Now, in August 1927, Leo arrived again at the Western Avenue lot on a two-month assignment to assess Wurtzel's job performance. No, Fox couldn't do it. Later he said, "Of course, I wouldn't."

Fox disregarded Sheehan's treachery. It was easier to believe that having started Fox Film together in 1915, they shared an unbreakable bond of loyalty. Besides, Fox needed Sheehan, who on the whole was doing a good job as head of production and who had strengths to compensate for Fox's weaknesses.

Especially important was the fact that Sheehan got along well with actors, whom Fox generally considered overpriced and emptyheaded necessities. Janet Gaynor called Sheehan "one of my

greatest friends" and a "very devoted" confidant: "He was absolutely wonderful to me, because he gave me very good advice . . . I could go in and discuss anything with him." Scouting for new talent, Sheehan had a keen eye. In 1928, he hired thirty-two-year-old Austrian-born actor Muni Weisenfreund after seeing him on Broadway and brought him to Hollywood to star in his first movie, *The Valiant* (1929), about a murderer who confesses to his crime but refuses to reveal his identity. After watching a reel and a half, Fox wanted to shut down filming because he thought Weisenfreund was too homely to appeal to female viewers. Sheehan persuaded him to finish the movie, which became "a Cinderella success," and won the male lead, renamed Paul Muni, a Best Actor Academy Award nomination. A former reporter, Sheehan also handled the press well and spoke comfortably on behalf of the company, a task Fox detested.

That was the Winfield Sheehan whom Fox preferred to see, the one who had successfully transformed himself from grubby beginnings into a competent and dependable corporate second-incommand. Fox rewarded that version of Sheehan. He gave him a home theater as a housewarming present when Sheehan moved into his Angelo Drive mansion, and for 1929 nearly tripled Sheehan's annual salary from \$45,000 to \$130,000 (equivalent to \$1.85 million in 2017), with a \$50,000 to \$75,000 expense account. Fox didn't glimpse, as those in close proximity did, that Sheehan hadn't entirely cast off his former self. "I can see Winnie Sheehan always chewing tobacco and spitting. He would spit in the aisle in the projection room," assistant director Wingate Smith recalled years later. "God, what a crude man."

While Sheehan managed mostly to maintain a self-confident façade, stress took a visible toll on Sol Wurtzel. He had never become the man Fox wanted him to be, and Sheehan's fears notwithstanding, he was probably never going to be. He was still in the job he'd had since 1917, overseeing the Western Avenue lot, which was now the poor relation to Sheehan's Movietone City fiefdom. And there was no handsome raise for Wurtzel in 1929. At \$50,000 a year, he was earning less than two-fifths as much as

Sheehan.

Years of mistreatment had twisted and toughened Wurtzel. The facial tic he had developed in response to Fox's harassment now curled one side of his mouth up into the appearance of a smile, but only at great risk might anyone assume it actually was a smile. More often, the tic signaled rage. There was only so much Wurtzel could take, and he'd already had one nervous breakdown. If he had to suffer abuse, so would his subordinates.

One day in early 1929, a director was screening the first rough cut of his movie in a private projection room for Fox, Wurtzel, and a film editor. In between reels, on a matter unconnected with the movie, Fox suddenly tore into Wurtzel, "insulted and shamed him." Soon after, Wurtzel fired the director. "Wow," the director told studio publicity director Victor Mansfield Shapiro. "Sol doesn't want my face around to remind him that I was present during his humiliation."

Around the same time, Fox Film staff screenwriter Arthur Caesar, known as "the wit of Broadway," was asked to create a vaudeville sketch for a publicists' dinner. Aware that Wurtzel had recently taken up polo, Caesar wrote a skit called "From Worse to Wurtzel, or from Poland to Polo in One Generation." Wurtzel fired him.

Not even a remote echo of derision would be tolerated. Wurtzel was "hyper and super" sensitive, said publicist Shapiro, who found himself under suspicion one day when Wurtzel buzzed the intercom between their offices and called him in for a talk. "He took off his glasses, cleaned them slowly, put them back—he scowled or smiled. I didn't know which. Obliquely and bluntly he said, 'I hear you've been giving me publicity.' I thought he was kidding," Shapiro recalled. But Wurtzel wasn't kidding. He accused Shapiro of mocking him at a party at the Hollywood Roosevelt Hotel. Shapiro was able to absolve himself only by finding a witness, a young woman who'd also attended the party, to corroborate his denial. Wurtzel then fired the person who'd told him the story.

Yet Wurtzel—at five foot nine, a homely, dour-looking man with a dark complexion, dense black hair, thick glasses, and a square jaw —kept trying to be the person Fox wanted him to be. He emulated Fox's habits of smoking cigars and playing golf. He became president of the congregation of the new Temple Israel in Hollywood. He worked on his vocabulary and learned "all the four, seven, and eleven syllable words." From time to time, Fox still tried to help him. Whether out of guilt or tangled affection for their long shared history and their common beginnings amid Lower East Side poverty—in many ways, Wurtzel represented the person Fox used to be—Fox gave company stock to Wurtzel, his wife, and his son and daughter and advised him on investing.

It didn't work. Sol Wurtzel was still Sol Wurtzel. Attempting to project authority, he "sounded splattered, like a discharge from an instrument for crushing pebbles," commented *New Yorker* writer S. N. Behrman. "You couldn't really have a conversation with Sol. Remarks erupted from him without preamble or contextual balance; they were islands in a stertorous silence." Secretly, people laughed at his pretentious big words. And they laughed about his habit, when approached by a stranger on the golf course, of handing over a card that read, "Sorry, if you want a job at the studio, see your agent." Summing up Hollywood's majority opinion, actress and writer Salka Viertel, whose husband, Berthold, worked with F. W. Murnau on the screenplay for *Sunrise*, described Wurtzel as "incredibly boorish."

It took someone with the sensitivity of John Ford to understand Wurtzel. Said Ford, "He was a good friend and I liked him very much."

The tension of studio politics, combined with Fox's remoteness, jeopardized relationships with creative talent. Everyone knew that only his opinion really mattered, but it was difficult to tell what his opinion was. Janet Gaynor used money as a measure, and despite her friendship with Sheehan, she felt unappreciated and exploited. On *Sunrise*, she had earned only \$200 a week, and by late 1927, after the release of both *7th Heaven* and *Sunrise* and while filming *Street Angel*, she had received no significant pay increases. "All

about me people were telling me I should demand more money. I will admit that I was influenced," said Gaynor. Reportedly, the studio offered her \$1,000 a week, while she wanted at least \$3,000. Only twenty-one, she threatened to leave Fox Film and hired a lawyer, even though previously she had handled all contract matters herself. She felt terrible about the conflict, later describing it as "a sad, a sickeningly sad, occurrence." To have done with it, in January 1928 she signed a new five-year contract with graduated pay increases.

Not so fortunate was Madge Bellamy, who walked off the lot in 1929 and didn't come back. For her, the issue wasn't money but respect. A few years earlier, she had been replaced by Gaynor as the female lead in 7th Heaven. Although she had then received her starring role in Mother Knows Best, that had been a castoff—the studio had originally assigned Gaynor. Now Sheehan refused to let Bellamy choose the director of her next movie. An offer of a raise didn't lure her back.

Gone were the days when it was possible to appeal directly to Fox. Tom Mix, who a dozen years earlier had won an audience with Fox by leaning on a telegraph pole in a loud costume, recognized this. Perhaps Fox might have found something else for Mix to do after business during 1927 indicated that the Western genre was "all shot to pieces." Having made nearly one hundred movies for Fox Film, Mix was still easily the most popular and best-earning cowboy star in Hollywood. Yet when his contract expired around April 1, 1928, there was no discussion of renewal. Mix accepted his fate graciously, saying simply, "It is with sincere regret that I am concluding my pleasant business relations with Fox Films and its executives."

There was no staying past one's time and no coming back once gone. Not even William Farnum, Fox's former on-screen alter ego and his most popular and prestigious star during the 1910s, received any sentimental consideration. Farnum had left Fox Film in 1923 and had faltered in an attempted comeback at Famous Players–Lasky and on the New York stage. After a mysterious illness that caused two long hospital stays on the East Coast and an

extended convalescence, he returned to his Hollywood Hills mansion and waited for the phone to ring. Months passed. Did he have a leading role in John Ford's *Hangman's House*? Farnum thought he did. However, when filming started in early 1928, the younger, more robust Victor McLaglen had been cast instead.

By the late 1920s, it took an emergency to command Fox's attention. Then the old William Fox reappeared. In early October 1928, during filming of the studio's first outdoor sound movie, In Old Arizona, in Bryce Canyon, Utah, director Raoul Walsh suffered a severe eye injury in a freak car accident. A jackrabbit dashed out into the road and, before Walsh's driver could avoid it, smashed into the windshield, sending shards of glass into Walsh's right eyeball and lacerating his face. Fox Film sent a team of doctors to treat Walsh, and Fox personally called Walsh's father to tell him about the accident. Then Fox arranged an appointment for Walsh with New York City's best eye surgeon, Dr. Carlton Wells. Fox, along with his friend and real estate scout A. C. Blumenthal, met Walsh's train at Grand Central Station and drove him to the Plaza Hotel, where Fox had filled his room with flowers. In a drawer, despite Prohibition, Fox had put a bottle of twenty-five-year-old brandy. The following afternoon, Wells removed Walsh's right eye. It wasn't the end of the world. Irving Cummings finished directing In Old Arizona and shared credit with Walsh, who would soon be back at work at the studio.

Despite all he had—money, power, a happy marriage, dutiful daughters, reasonably good health, and work he loved—Fox wasn't content. He seemed unable either to control his restless, simmering, explosive anger or to step back from the pressures that drove him to it. He was not yet who he wanted to be. He had not left the past behind. This was clear when, on March 29, 1927, he addressed Harvard Business School students as part of an eleven-session motion picture industry lecture series organized by alumnus and Film Booking Offices of America president Joseph P. Kennedy. It should have been a proud moment. Fox was supposed to discuss the

industry's foreign development, which he had pioneered. Instead, for about fifty minutes, he mainly reminisced about his hard-won triumphs, using language suffused with class resentment. He mocked the "hatred" with which the cultural elite (educators, lawyers, and newspapers editors) had greeted motion pictures, and he scorned the way he thought those pooh-bahs would have considered it "a sacrilege" for him to appear at Harvard. It was the have-nots, he emphasized, poor foreign-born men and women scraping together their coins to buy movie tickets, who had financed the growth of this wonderful new industry, and these privileged students ought not to forget that.

The most visible symbol of Fox's conflict between past and present was his father. Michael Fox had always blamed his failure to provide for his family on the difficulties that America set up against the immigrant outsider. Still, he seemed neither to acknowledge the burden he'd placed on his son nor to appreciate the rewards of his son's efforts. For as long as Fox could remember, his father had rhapsodized about the quaint and cozy life they'd left behind in Tolcsva, Hungary. All the luxuries that Fox provided hadn't stemmed the flow of nostalgia. In his late forties, with his father's reminiscences amounting to a passive-aggressive dismissal of all his achievements, Fox had had enough.

He would not say one contrary word to the old man. Instead, around 1927, he sent a Fox News camera crew to Hungary to film scenes of village life. He must have ordered the reporters to look only for the most wretchedly impoverished scenes, because the footage that came back showed small, miserable huts, unpaved roads, idle bodies, and dirty faces with vacant expressions. The better dressed among the inhabitants wore rags; many others had no clothes at all.

One evening at Fox Hall, Fox escorted his father and other family members into the estate's private theater, with its red damask-upholstered Louis XV fauteuils lined up in rows, its tapestry-covered walls, and long red-velvet draperies. "Here is your village," he told his father, indicating the screen. "Just as you left it." As the gruesome images cascaded onto the screen, Michael Fox

shrank into his chair. When the segment ended, he stood up and walked out silently. It was ruthless of Fox to shatter the one idea that, although a delusion, gave his father a sense of dignity. Ruthless, but effective—Michael Fox never again spoke to anyone in the family about his beloved homeland.

It was an empty victory. Fox could silence his father but not the thought that seemed to hover behind his father's attitude. Fox's anger suggested the extent to which he himself believed it: all that he had accomplished was not yet enough.

Lone Master of the Movies

A man's worst difficulties begin when he is able to do as he likes.

-T. H. HUXLEY, 1876

In the transformation of William Fox, one more step upward remained: to ascend into the elite tier of American industrialists and to dominate his industry the way that Rockefeller, Carnegie, and Morgan had dominated theirs. He was entitled to do so, he believed. "I have put my soul into motion pictures—have devoted my life to them." In his view, no one else loved the movies more, had done as much for them, or was better qualified to lead them into the future.

Two deaths cleared a path for Fox's ambition. First, on April 7, 1927, longtime Fox Film treasurer John C. Eisele died suddenly at age sixty-six. After chairing a board of directors meeting of Newark's Washington Trust Company, still at the table and talking to one of the other directors, Eisele suddenly groaned and slumped back unconscious in his chair. By the time a doctor arrived, he had died of heart failure.

Eisele's death hit Fox hard. Although Eisele had been forced on him as Fox Film's treasurer in 1915 because his Newark-based banking firm, Eisele & King, had arranged the studio's initial financing, Fox had grown to trust and respect him. Considered a magnetic personality with "the ability of bringing out and developing latent powers in others," Eisele had helped Fox formulate the studio's financial policy and had taken a keen interest in film production. A real estate expert, he had also played a main role in Fox Film's 1923 acquisition of the one-hundred-acre Fox Hills studio property—a \$300,000 investment that had skyrocketed in value.

"Death has never called a kindlier man or a truer friend, and no one will ever quite fill his place," said Fox, who served as an honorary pallbearer at Eisele's funeral.

Admiration and affection for Eisele didn't prevent Fox from appointing an unqualified replacement as Fox Film's new treasurer: Douglas N. Tauszig, the husband of Fox's elder daughter, Mona. Since his marriage four years earlier, thirty-three-year-old Tauszig had been the assistant to Fox Film vice president Jack G. Leo, and by 1927 he also held titles as the second vice president of Fox Theatres and as director of some twenty lesser Fox corporations. The list sounded impressive, but in fact, Tauszig had no substantial duties. His most notable recent accomplishment was organizing the Fox Fun Frolic and Dance, a social gathering for New York employees with a buffet supper and minstrel show at the McAlpin Hotel. He did such a good job that two days before Eisele died, Tauszig was fêted at a testimonial dinner and presented with a cellarette (a small, usually wooden piece of furniture) containing sterling silver coffee and liquor sets. Tauszig also served as the executive adviser to the Fox Film basketball team, which in February 1927 was leading the Motion Pictures tournament.

There was only one reason to choose Tauszig: so that Fox could control company finances without restraint.

Publicly, no one raised an eyebrow about Tauszig's appointment, but privately, one person became highly alarmed. Thomas N. McCarter, one of Fox Film's original investors and the president of New Jersey's utility conglomerate Public Service Electric and Gas Company, immediately resigned from Fox Film's board of directors and began disposing of all his Fox Film stock. An archconservative to whom "the value of the dollar was awfully

important," McCarter told family members he had lost faith in Fox's leadership. McCarter did well enough, reaping \$2 million from an investment that had cost him \$25,000 twelve years earlier. For that, he was grateful. In June 1927, in tribute to show business, he gave \$250,000 of his Fox Film stock sale proceeds to his alma mater, Princeton University, as seed money to build the nine-hundred-seat McCarter Theatre.

Son-in-law Tauszig didn't last long in his new job—not because of professional incompetence or resistance to Fox's authority, but because his marriage to Mona collapsed. It wasn't easy being a Fox son-in-law. Not only was it virtually impossible even for an above-average man such as Dartmouth University graduate Tauszig to approach Fox's professional status, but as a husband, too, he was bound to fail. Both daughters, especially Mona, idolized their father. A story was passed down about his gallantry. One winter evening, one of the younger couples was in the Fox living room, preparing to go out with Fox and Eva. The younger husband, either Tauszig or Schwartz, got his wife's coat and handed it to her. "No, no," Fox reprimanded. "That's not how it's done." He got Eva's fur coat, held it open in front of the fireplace to warm it up, and then helped her into it.

Fox had sent the Tauszigs on a cruise to Havana in early 1927, but the trip didn't work as a second honeymoon. The couple argued continually over how to raise their three-year-old son, William Fox Tauszig. Given that the young family lived in a guesthouse on the Fox Hall estate in Woodmere (as did Belle, her husband, and their young son, William Fox Schwartz), the issue was probably Fox's overwhelming influence. In January 1928, after ordering the servants to send Tauszig's possessions to his mother's home in Manhattan, twenty-seven-year-old Mona moved with their son to Atlantic City, where she would remain for several months. Tauszig followed and tried to reconcile, but Mona wasn't interested. Now that she had a child, a husband was unnecessary.

Obviously, Fox could not permit Tauszig to remain near company money. In April 1928 he replaced Tauszig as Fox Film treasurer with his thirty-two-year-old brother, Aaron Fox, and also

appointed Aaron as treasurer of West Coast Theaters and vice president of Fox Theatres. The following month, Tauszig gave up and filed for legal separation from Mona.

"Of all things for Aaron to be—treasurer of the Fox Film Corporation!" said niece Angela Fox Dunn. "Within the family, eyes rolled knowingly."

Sixteen years younger than Fox, Aaron had grown up expecting to be taken into his brother's business, and he had been. Yet, while bouncing among positions in production, domestic and foreign sales, theater construction, and exhibition, he had displayed neither any natural aptitude for nor any interest in any of these fields. For a while, Fox sent him to Los Angeles to manage the Carthay Circle Theatre. "We'll be lucky if Aaron can manage the popcorn machine," Fox told his sister Malvina. It didn't go well. Malvina's daughter, Angela Fox Dunn, said, "My mother recalled seeing Aaron standing in the lobby in a black suit with a wilting white carnation in his lapel." Immediately before his appointment as treasurer, Aaron headed the educational and mail order sales department at Fox Film.

Aaron wasn't just professionally unqualified as an officer of a major corporation, he was also an arrogant and boorish figure. "Homely Uncle Aaron, he looked like a caricature of William Fox his nose was larger, his hairline more receded, and the dark, sad Fox eyes were more heavily lidded," said Dunn. "He wanted to be William Fox. Aaron with his big shot manner and pretentious banker's suit and silver-topped cane, went around town and very grandly introduced himself as 'Mr. Aaron Fox, brother of William Fox. We own the Fox Film Corporation' to shoeshine boys, waitresses, hotel managers, anyone and everyone, promising unauthorized checks and free tickets. jobs, introductions." Whereas Fox was gentlemanly toward women and stalwartly loyal to his wife, Aaron could be shockingly crude. His first wife, Hazel, had divorced him in 1922 after nearly four years of marriage, saying he had called her an "impossible idiot," had left her five times, and "was very fond of gay and immoral women. He never would introduce me to respectable people, but would take me

around to strange places and to strange parties and embarrass me very much." Even his own mother didn't like him. "I hate to say this because he's my own son," Anna Fox told pretty Alice Miller in the mid-1920s after Aaron had proposed to her, "but he's no good. Don't marry him." Soon, to her regret, Alice ignored the advice and became the second Mrs. Aaron Fox.

Just as had occurred with Tauszig, no one publicly questioned Aaron's appointment to three key positions in publicly traded companies that employed thousands of people and handled millions of dollars. The trade press simply reported the news as a minor event.

The second death that changed Fox's life occurred five months after Eisele's passing. On September 5, 1927, shortly after 6:00 a.m., at his home in Glen Cove, Long Island, fifty-seven-year-old Marcus Loew died in his sleep of a heart attack. Although Loew had been practically retired for three years due to ill health and had a round-the-clock nurse, no one expected him to go so quickly. The previous day, he'd returned on his yacht from a month's vacation at the Saratoga, New York, home of his friend and business colleague Nicholas M. Schenck. Turning in that evening at 10:00, he'd been in good spirits.

Suddenly, the founder of the great Loew's, Inc. theater chain, parent company of M-G-M, was gone. A great outpouring of grief ensued. Despite Louella Parsons's observation that "Most great business careers are founded on warfare of one sort or another," the deceased magnate was understood to have succeeded because of his gentle, trustworthy, and forgiving nature. Before his burial on September 8, at a public memorial service at 11:00 a.m. at Loew's mansion, more than 2,500 mourners showed up and flowers covered the front lawn and much of the rest of the grounds. At the private burial service at Maimonides Cemetery in Cypress Hills, as Loew's longtime friend, Fox was an honorary pallbearer, a position that traditionally involves accompanying but not carrying the casket. He had "the greatest regard and affection" for Loew, Fox

told the press. "His place in pictures is assured for all time, but he will be missed as long as memory runs." When *Variety* published a lengthy Marcus Loew tribute issue on October 19, 1927, Fox took out a full-page ad, which he titled with his highest term of praise: "A Leader."

It was truly very sad, the loss of a great film industry pioneer and all that, but behind the tearstained eulogies loomed the crucial question: who was going to get Loew's, Inc.?

Loew had left most of his estate to his wife, Carrie, and their two sons, Arthur M. and David Loew, so that, jointly, the family owned 400,000 shares of Loew's, Inc. Although less than one-third of the total 1,334,453 outstanding shares, that block nonetheless constituted a controlling portion because the other shares were so widely distributed that it would have been practically impossible to organize effective opposition. Neither the widow Loew nor either son wanted to run Loew's, Inc. The heirs were not take-charge types. At the time of their father's death, Arthur Loew was a vice president in M-G-M's foreign department, while David Loew was a vice president in the theaters and real estate division. Loew's, Inc. executive vice president Nicholas Schenck had been the company's active head.

Through Alfred Blumenthal, Fox's partner in Foxthal Realty and a friend of Schenck, Fox learned that the Loew family was willing to sell its stock.

It was a glittering proposition. Loew's wholly owned subsidiary M-G-M was the second-ranked studio after Paramount, and the Loew's theater chain, although medium-size rather than large, with 175 properties, was first in quality. Other than Fox Film* and Fox Theatres, Loew's was the only other well-established movie company that had consistently operated its theaters profitably. By contrast, Paramount's Publix chain, which had swallowed up countless regional theater chains in a feeding frenzy that began in 1919, had a lot of badly managed properties and still needed to shake out the losers and acquire more large theaters.

Acquiring Loew's would put Fox in first place in the motion picture industry and usher him into the pantheon of American

business leaders.

A Loew's takeover also made strong business sense. In late 1927 and early 1928, as the other major studios prepared to join Warner Bros. and Fox Film in converting to sound, no one had any idea what to expect financially. Fox was especially concerned about the impact on foreign revenue, which accounted for at least 40 percent of Fox Film's gross income. Other forces had already threatened overseas markets. Foreign governments, worried about both outgoing revenue and the cultural impact of so much exposure to American customs, values, and traditions, were increasing restrictions on incoming movies and encouraging domestic production. Experts estimated that investment in foreign film production companies increased sevenfold in 1928 compared to 1927. "It came into my mind: What was going to occur when an English-speaking talking picture was going to Czechoslovakia or to Hungary or to Romania or China or Japan, from which countries we were receiving substantial revenues?" Fox said. "I saw those revenues disappear. It was clear we could not make talking pictures in every language, and I could see no reason why these obscure countries would change their language to suit the American producer."

Convinced he would have to reorganize his entire business to adapt to the sound era, Fox commissioned a study of the likely financial impact of a Fox-Loew's merger. Accountants forecast \$17 million in annual savings, to be accomplished by combining overhead expenses and implementing more efficient operations. That \$17 million, Fox believed, would substantially outweigh foreign revenue loss.

The idea of acquiring Loew's was audacious, yet there was now no one to stop Fox—no John C. Eisele to put a hand on his arm and urge caution, and no blustery Thomas N. McCarter to rage against wildcat spending. Son-in-law Douglas Tauszig had been Fox Film treasurer since April 1927, and incompetent brother Aaron would take over in April 1928. In the spring of 1927, only one outside

director remained on the Fox Film board, Eisele's investment banking firm partner, Nathaniel King, who appears never to have presented any forceful opposition.

The Loew's, Inc. acquisition involved a series of delicate negotiations. First, acting Loew's chief Nicholas Schenck, who stood to earn a hefty commission, had to soften up Carrie Loew. It was one thing for her to indicate, as she had done, a willingness to part with her husband's life work, but quite another to face hard numbers and specific terms and to realize she would be severing forever a link to the past. Schenck took the posture of a family protector and, Fox said, "worked on the theory that Mrs. Loew had too many of her eggs in one basket and it would be a good thing for her to release some of this capital." As a woman, Schenck counseled his dear friend's widow, she ought to put her money into bonds instead.

Reportedly, Fox began with an offer of \$80 per share for the Loew family's stock, at a time when the market price was around \$60 per share. Then Warner Bros. jumped into the bidding, pushing Fox higher and higher.

The Warners? Where were they going to get that kind of money? Although the Warner Bros. had been doing well since the October 1927 release of *The Jazz Singer* and would show a net profit of more than \$2 million for the fiscal year ending August 31, 1928 (compared to only \$30,426.88 for the 1927 fiscal year), the company had a shaky financial history and an uncertain future. In May 1928 the Warners' Vitaphone sound technology was effectively doomed when the other major studios began to adopt Fox's Movietone system instead, and the Warners' ongoing contract arbitration battle with Western Electric ensured no help from that quarter. In more rational times, the Warners probably would not have been seriously considered as buyers for Loew's.

The late 1920s, however, were not rational times. Beginning in March 1928, the stock market began a spectacular run-up, yielding "a year when everything one touched seemed to turn to gold," writes historian William E. Leuchtenburg. "Customers crowded into brokers' offices in midmorning and stood staring at the blackboard

or inspecting the tape until closing time. They borrowed money, bought more stock, watched the stock go up, and borrowed still more money to buy still more stock." By that summer, the seemingly endless upward spiral had ensnared "people who never dreamed they would be caught in the speculative frenzy. How much longer could you hold out when your neighbor who bought General Motors at 99 in 1925 sold it at 212 in 1928?"

Suddenly, not even the Warners themselves knew where they belonged on the financial map. In early August 1928, studio president Harry Warner received a \$10 million purchase offer from Paramount, which realized it was behind the game in adapting to sound. Then Fox found out and, unwilling to see Paramount strengthened, bid \$12 million for Warner Bros. Paramount shot back with a \$15 million offer. All this happened within days, and rumors of the negotiations sent Warners' stock soaring, so that within one week, the share price jumped by twenty-one points, to reach \$81. Now Harry Warner started thinking. First, he said he would accept \$20 million for Warner Bros.—then he changed his mind altogether.

"I don't think I would take \$40 million," Warner told *Variety*. "After all, why should some other interest reap the benefit of our success? We are making plenty of money today—all kinds of money. It took us many years and a lot of hard work to get where we are." The more Warner talked, the more he convinced himself he ought to be on the other side of the fence, a buyer and not a seller. "If I could buy some company that would help our present interests, I would do so immediately."

The only possible "some company" was Loew's, Inc. The Warners' bankers, Goldman Sachs, heartily encouraged their clients' ambition, pledging to arrange all the money necessary. Harry Warner commented, "Ten years ago when I walked into a bank to borrow \$1,000, the banker looked at me as if I were a thief. Today the money of the world is at the command of this industry."

Fox's negotiations for Loew's would continue through the end of

1928. It was an extremely busy year. In addition to ensuring Movietone's victory as the dominant talking pictures technology; building the forty-acre Movietone City from scratch; watching over a slate of new releases crowned by *Four Sons*, *Mother Machree*, and *Street Angel*; and enduring the final commercial disappointment of *Sunrise* while trying to set Murnau in the right direction with *4 Devils*, Fox was aggressively trying to expand Fox Theatres' holdings.

Some efforts succeeded. Following his \$16.5 million purchase of the remaining two-thirds of the stock of West Coast Theaters in January 1928 and his \$25 million purchase of the Poli Theaters chain in New England in July 1928, Fox achieved another major coup. Between August 1928 and mid-January 1929, he arranged to take over almost all the independent theaters in the New York metropolitan area—about 200 of them, with a combined seating capacity of 280,000 and combined annual gross revenues of \$25 million. That made him by far the largest theater owner in New York City, the movie industry's largest and most influential market. Fox didn't buy the properties outright, but instead agreed to pay a total of about \$13 million for leases that had an average duration of more than twenty years. With the 200 theaters to be run under a new Fox Metropolitan Theatres division of Fox Theatres, Fox expected the acquisition to generate up to \$7.5 million in annual profits.

As always, many more attempts to buy theaters fell through. Most notably, in early 1928, Fox tried to buy the Stanley Company, a Philadelphia-based chain of 270 theaters operating in seven states and Washington, DC, that had been his bitter rival in that area for a decade. The Stanley Company had an additional potential benefit. Because Fox had received about 28 percent of the stock of First National Pictures along with his purchase of the West Coast Theaters shares, and because Stanley owned another 25 to 30 percent of First National shares, control of the Stanley Company would have given Fox control of the sixty-eight-acre First National studio in Burbank, California. Some speculated that Fox wanted that real estate so he could move Fox Film there and sell off the Fox

Hills lot in West Los Angeles, which was worth ten times what he had paid for it five years earlier. Warner Bros., however, outmaneuvered Fox and got the Stanley Company in September 1928, so that company instead moved to Burbank to take over the lot it still occupies.

No one outside Fox's tight inner circle knew that he was trying to buy Loew's. Fox insisted on that. He was especially worried about Adolph Zukor, who had grown tougher, meaner, and more brilliant with the years. "Anaconda Adolph," journalist Allene Talmey wrote, "sits frozen bitterly blue in the midst of the red hot argument." Make no mistake, that "little brief man" could be ruthless. According to Talmey, "Zukor kills, and then buys the corpse from the family of the deceased." Fox feared that if Zukor knew he was trying to buy Loew's, he would take advantage of his position as an in-law—Zukor's daughter, Mildred, was married to young Arthur Loew—to persuade Carrie Loew not to sell. Schenck, not about to jeopardize his commission, obliged Fox. No one breathed a word to any of M-G-M's production executives, not even to chairman Louis B. Mayer, to see how they would feel about working for Fox.

But perhaps Adolph Zukor knew all about it anyway. That seems more likely, given the close, friendly ties that had existed for years between Paramount/Famous Players–Lasky and Loew's. Besides, there was very little that Zukor ever missed. Possibly it was easier to fight Fox by proxy, through the Warners. After Zukor's attempt to purchase Warner Bros. fell through, rumors percolated throughout the trade press about an eventual merger between Warners and Paramount. Possibly Zukor planned to let the Warners get Loew's, probably at a lower price than the prosperous Paramount would have been able to, and then to dominate Warners in a merger. That scenario would explain the curious fact that Paramount made no attempt to join the bidding for Loew's.

Schenck favored Fox as a buyer for Loew's because the Warners' offer reportedly included a stock swap—a risky proposition because in view of Warner Bros.' unstable financial history and its recent

share price gyrations, no one was really sure what the Warner stock was worth. Fox, enticingly, promised all cash. By late 1928, to the exclusion of almost all other business matters, he had immersed himself in the Loew's negotiations.

Word seeped out. On December 10, 1928, *Film Daily* reported on "unimpeachable authority" that Fox was close to buying a controlling interest in Loew's. "Hard to imagine? You bet." Everybody in the vicinity rushed to deny the story. It "hasn't a word of truth in it," Fox fumed. "I have no interest in acquiring the chain. I don't want to buy it." Schenck charged, "this unfair report was maliciously created, possibly with the idea of stock manipulation." And M-G-M officials, who didn't know, demanded that *Film Daily* either publicly apologize for the story or reveal its informants. The publication "respectfully" declined to do either.

In his bid for Loew's, Fox was beginning to look dangerously like a monopolist. As of July 1928, there were fewer than two hundred U.S. locations that had any competition in film buying or theater operation and, excepting the low-class, daily-change theaters,* there were fewer than two thousand independently owned and operated theaters in the United States. Fox's feverish buying spree was knocking those numbers down rapidly, and a Fox-Loew's merger would deliver more power to one source in setting film rental prices, making it even more difficult for the small exhibitor to stay in business. Fox rationalized to himself that times were different from the simpler era of twenty years ago, when he had opposed the monopolistic ambitions of the Motion Picture Patents Company. These days, Fox believed, no studio could continue to spend vast sums of money to make "better and finer pictures" unless it controlled exhibition, so as to get the largest return possible. If most exhibitors were independent, Fox believed, rental fees would drop to such a level that it would be impossible for movie studios to improve the product, "and the sufferer would be the general public."

Convenient as those ideas were, they directly opposed the principles on which Fox had based all his previous business life: open competition, protection of the small entrepreneur, and progress through a balance of industry rivalry and cooperation. As recently as March 1927, in his Harvard University speech, he had said, "I shall devote my life to prohibiting any man or group of men from forming a monopoly that would tend to prevent the motion picture from growing to its full height." Now, it seemed, he wanted to become the one exception to the rule. Was it safe to break so sharply with the philosophy on which he had built his success?

Amid the fraught, secretive negotiations for Loew's, a family crisis erupted. Fox's elder daughter Mona wanted to end her marriage to Douglas Tauszig, from whom she had been separated since January 1928. Had they been an ordinary couple, the matter could probably have proceeded with no more than the usual amount of acrimony. But Fox money and Fox pride were at stake. Tauszig had rejected Fox's system of values. He had given up an easy, secure, well-paid job in a prestigious organization; a luxurious home; and a wife who would have loved him devotedly if only he'd been willing to play his part. Worse, he was building a new life. Having set himself up in business as a commercial photographer, by late 1928 he had a new girlfriend, a twenty-two-year-old office worker named Clare Nussenfeld. They went on dates to the Flea Circus on Forty-Second Street, to see the musical comedy Whoopee at Broadway's New Amsterdam Theatre, to restaurants, to beaches, to an amusement park for a roller-coaster ride. Fox knew all this because the private detectives he hired for \$1,800 a month from the Tunney Detective Agency (owned by Thomas J. Tunney, a distant cousin of heavyweight boxing champion Gene Tunney and the former head of the New York Police Department's bomb squad) followed the couple and took detailed notes. Tauszig called Nussenfeld "sweetheart"; she called him "monkey."

Tauszig had to be punished. Although Fox's views hadn't changed since *The Blindness of Divorce* (1918), when he had called divorce a "curse to men, women and innocent children," this was different. Rather than try to encourage a reconciliation, he pushed his daughter's marriage to an end.

The scene might have been lifted from a bad Fox melodrama, the kind of movie he didn't even make anymore. Tauszig and Nussenfeld often ended their evenings at his residence in Suite 642 of the Montclair Hotel at Forty-Ninth and Lexington. On the night of January 6, 1929, Tunney agency detectives took rooms adjoining and across the hall from Tauszig's, as well as on the floors above and below. Around 1:00 a.m., in what was evidently a setup, a man who had been playing cards a short time earlier with Tauszig returned to knock on his door, shouting that he wanted his hat and coat. As soon as Tauszig opened the door, agency owner Tunney, two of his detectives, and two longtime Fox Film employees rushed from their hiding spots and into Tauszig's room. There they saw Nussenfeld-tall, slender, with dark brown eyes and dark brown bobbed hair—standing next to a twin bed wearing a man's bathrobe and with her stockings down around her ankles. While the two Fox employees shoved the pajama-clad Tauszig up against a table, the terrified young woman fled to the bathroom and hid in the tub with her hands covering her face. A detective chased her there and pulled back her robe to reveal a scanty chemise. "Gentlemen, is that necessary?" Tauszig asked.

Yes, it was. Mona needed evidence so she could be the one to file for divorce, as she did on January 9, 1929. On the same day, Tauszig filed assault charges against the two Fox employees, Louis S. Levine and Herbert Leitstein, and had them arrested. A week later, those criminal charges were dropped after Tauszig couldn't identify his alleged assailants. Evidently, he had been intimidated or paid off. Of course he recognized Levine and Leitstein. Levine was Eva Fox's cousin and a Fox Film purchasing agent, and Leitstein was Fox Film's chief accountant and Fox's personal accountant, positions he had held for many years. Levine and Leitstein had been chosen for the love nest raid because they knew Tauszig so well and could identify him beyond a shadow of a doubt. Fox, the good father, had fixed everything. At least he thought he had.

Around the same time that he was ensuring the end of Mona's

marriage, Fox struck a deal to pay \$50 million (equivalent to \$712 million in 2017), for the Loew family's total holdings of 400,000 shares of stock. Carrie, Arthur, and David Loew would receive \$100 per share, or \$40 million, and the other \$25 per share, or \$10 million, would go to intermediary Nicholas Schenck as a commission. Fox also agreed to buy another 37,500 Loew's shares from Schenck and from Marcus Loew's longtime friend, actor David Warfield.

Although \$125 per share represented slightly less than double the market price of about \$65 in early January 1929,* Fox considered his purchase a bargain. To amass an equal number of shares on the open market would have involved substantial transaction costs and much wasted time—and as word got out that someone was buying large amounts of the stock, the price would have gone up anyway. Even if he had been able to piece together an equal-size block through such trading, Fox still would have faced the Loew's family's 400,000 shares, either in their hands or in those of the Warner brothers, a circumstance that would have meant constantly wrestling with another party for control. Besides, if the accountants were right and the combined Fox and Loew companies could achieve annual cost savings of \$17 million, the deal would pay for itself in only three years.

Fox asked for only one condition to the \$50 million sale. Anxious about antitrust issues, he wanted to get preliminary approval from the U.S. Justice Department. Fine, said Schenck, but he had better hurry because the Warners were waiting in the wings and ready to move ahead without any such stipulation.

Fox was right to worry about the government. In its September 1925 brief on the five-year Famous Players—Lasky antitrust investigation, the Federal Trade Commission had bluntly stated its position that ownership of movie theaters by producers and/or distributors constituted "an unfair method of competition . . . It is unfair to the competing producers, the competing distributors, and the public." Since then, the motion picture industry had become even more highly concentrated. On the exhibition side, of the nation's 15,000 to 20,000 movie theaters, by 1929 about 5,000 had

the vast majority of seats and were controlled by the largest producers and distributors. In film production, eight major studios produced almost all the movies for a nation of 110 million people. Clustered together in Hollywood, those companies constituted "a close knitted community remote from the rest of the world, where the interbreeding of ideas, taste and prejudices, is inevitable," J. D. Williams, one of the organizers of First National and now executive vice president of World Wide Pictures, told an industry group in January 1929. Government officials were watching—"much more closely than most of you think."

Indeed, although no one took the action very seriously, on September 28, 1928, the U.S. Justice Department had filed a Sherman Antitrust Act lawsuit in Los Angeles against nine major U.S. studios and exhibitors (including Fox Film, Fox's West Coast Theaters, and M-G-M) alleging a conspiracy to restrain trade. At issue was the major studios' policy of protecting prestige first-run theater engagements with a buffer zone of time, called "clearance," before renting to second-run houses.

In this atmosphere of intensified scrutiny, a Fox-Loew's merger might prompt frowns. Combined, Fox and M-G-M would account for about 40 percent of U.S. film production. Combined, the Fox Theatres (including the new Fox Metropolitan subsidiary) and Loew's circuits would comprise about eight hundred theaters, the largest circuit in the world, with many large houses in key cities that influenced the booking choices of smaller theaters throughout their surrounding area. In New York, the most important U.S. market, Fox-Loew's theaters would have an estimated buying power of \$12 million to \$14 million out of a \$20 million total.

In early 1929 it was possible to request an antitrust review before money changed hands. Although for a long time the Department of Justice had refused to advise business leaders about the legality of proposed mergers, telling them they should decide for themselves and then discover the consequences, the current assistant attorney general in charge of the antitrust division, William J. Donovan, had changed that policy. Routinely, he reviewed mergers in advance and issued opinions that were

tantamount to official decisions. His standards for approval weren't especially stringent.

Many political observers expected Donovan to become the next U.S. attorney general upon the inauguration of President-elect Hoover in March 1929. Donovan had served as a Hoover campaign adviser and speechwriter and had made it clear that U.S. attorney general was the only appointment he wanted from Hoover. On January 12, 1929, emerging from an afternoon meeting with Hoover, Donovan declined to be interviewed by reporters, but he smiled.

Days later, Fox traveled to the Bishop's Lodge resort in Santa Fe, New Mexico, to meet with Donovan, who was then chairing the Boulder Dam Commission and serving on the Rio Grande Commission. Accompanying Fox was Sheehan, who, like Donovan, came from Buffalo, New York; Fox believed they were friends.

Laying out his case to Donovan, Fox emphasized three points. First, it was Fox Theatres and not Fox Film that proposed to acquire the 400,000 shares of Loew's, Inc. Because Loew's theaters were mostly in cities that didn't have a large Fox theater, a merger would not diminish competition. Instead, the two chains would complement each other. Second, Fox would not interfere with M-G-M's operations. He wanted a friendly relationship. He wasn't going to dismiss the successful management team that had brought M-G-M to the peak of its earning power.

Those two arguments were specious. In fact, there was little separation between Fox Theatres and Fox Film. The two companies shared most of the same executives, with Fox at the top of each, and Fox Theatres had been created in 1925 specifically to serve Fox Film. In December 1927, because they operated so closely, Fox had reportedly planned to merge the two companies—and now his ultimate intention was to consolidate both Fox companies with Loew's into one giant organization. As for Fox not interfering in M-G-M's affairs when he had the power to interfere, anyone who knew him would have understood that to be a dim possibility.

As his third justification for a Fox-Loew merger, Fox tossed in flag-waving patriotism. Surely that would appeal to war hero

Donovan, who during the Great War had earned a Medal of Honor, a Distinguished Service Cross, and two Purple Hearts. It was the federal government's duty, Fox insisted, to retain motion picture supremacy for the United States, "even if this consolidation did not entirely conform with laws on our books."

A master of self-protective evasion—on the football team at Columbia University, Donovan had earned the nickname "Wild Bill" because of his unpredictable maneuvers—Donovan sidestepped. Well, now, you see, he really had his hands full with the Boulder Dam project, he told Fox. He urged Fox to dictate a statement outlining his intent and purpose regarding Loew's. Donovan would then mail copies of the document to his assistant, C. Stanley Thompson, and to Saul Rogers, in-house counsel for both Fox Film and Fox Theatres, so those two could work out a way for the deal to go through.

This was typical Donovan. Energetic, charming, socially facile, and unreliable. In the words of Edward L. Bernays, the "father of public relations" who had worked on Fox's *Cleopatra* (1917), "Donovan was the man who was so busy being busy that he was too busy to do the things he might have been busy about."

Fox didn't see it. Taking Donovan at his word, expecting a quick response—he had told Schenck the process would take no more than eight days—Fox went to Los Angeles to wait. From there, it would take only twenty-four hours to return to Santa Fe to finalize the understanding with Donovan. Every few days, Fox phoned his lawyers. Over and over, he heard that there was no answer yet. When Saul Rogers met with Donovan's assistant, Thompson, at the Department of Justice in Washington, DC, Thompson asked for extensive economic data about the movie industry. Rogers prepared that data and went several more times to Washington.

While Fox was waiting in Los Angeles, his longtime friend Anthony R. Kuser, one of the original investors in Fox Film and always a stalwart Fox supporter, died on February 8, 1929, at age sixty-six from an undisclosed illness at his oceanfront estate, Los Incas, in West Palm Beach, Florida. It was terrible news. Fox considered Kuser one of his best friends, "a great believer in me and

in the Fox enterprises." Had Fox left immediately, he could have attended Kuser's funeral on February 14 in Bernardsville, New Jersey. He didn't go. The call might come at any moment for him to return to Santa Fe.

It didn't. After Fox had been away from the East Coast for about five weeks, still with no word from Donovan, he returned to New York on Thursday, February 21, 1929. Saul Rogers told him his timing was perfect: only half an hour earlier he and Thompson had concluded their talks at the Ambassador Hotel. Relating the outcome, Rogers was in a difficult position. He knew Fox wanted to hear only that Thompson had approved the Loew's acquisition, but Thompson hadn't exactly done so. Instead, he had told Rogers that although he wasn't entirely sure about clearance under the Sherman Act, he was reasonably confident that the Loew's acquisition would not violate the Clayton Antitrust Act. Of course, Thompson cautioned, he was speaking only on the basis of current conditions. If circumstances were to change, then his opinion might change. Rogers asked Thompson for a letter stating his position. Thompson demurred. Because Hoover, who would take office in a week and a half, hadn't yet named Donovan as attorney general, no one could officially state policy for the next administration. Any letter he might provide, Thompson explained, would be so full of reservations as to be meaningless. Better to let events take their course and trust the administration to make good on their friendly relationship. Rogers told Thompson he planned to advise Fox to go ahead with the Loew's purchase. Thompson didn't object.

"You feel that your position is sound?" Fox asked Rogers.

Yes, replied Rogers, except for that qualification about changed circumstances.

"I do not think there is going to be any change of situation," Fox said.

Fox would always believe that Thompson had told him it was all right to buy the Loew's shares. At the time, it was widely understood that if the Justice Department had any objections to a planned acquisition, it would explicitly warn the prospective buyer not to go ahead.

Now to get the \$50 million—quickly. Schenck had nearly run out of patience. The Warners had raised their offer for Loew's to \$56 million, and because Schenck was obliged to pay the Loew family only \$40 million whichever buyer he chose, there would be another \$6 million for him in that direction. Fox asked for a few more days, and Schenck agreed to wait until Tuesday, February 26. Fox was good for his word, while nobody was ever really sure of anything with the Warners.

On Monday, February 25, Fox met with Western Electric president Edgar S. Bloom to ask for a loan to help him buy the Loew's shares. Bloom was intrigued by the prospect of Fox in charge of another large studio and another large, prosperous theater chain, both of them needing sound equipment. It was certainly much more appealing than having the detested Warners, whom Western Electric was fighting in arbitration hearings, in charge of Loew's. However, several issues had to be addressed first. Most pressingly, when Western Electric broke its promise in May 1928 to give Fox exclusive Movietone sound newsreel rights, Fox had threatened to sue. He hadn't done so, but neither had he withdrawn the threat. Bloom told Fox that Western Electric's parent company, AT&T, would not loan him a dollar unless he formally waived any and all claims against any and all promises made by AT&T since the beginning of their relationship. Fox agreed.

Not so easily resolved was Bloom's next condition for a loan: that Fox sell to AT&T his North American rights to the Tri-Ergon patents, which purported to govern important parts of the sound-on-film process used in the Movietone equipment sold by Western Electric. If approved by the U.S. Patent Office—the Tri-Ergon application was still under review—the patent rights would entitle Fox to claim royalties from the Movietone equipment sales and, if he wished, to start a rival equipment manufacturing company. No, Fox told Bloom. The Tri-Ergon patent rights were his personal property, and he would not surrender them at any price. But neither side wanted to see Fox lose the Loew's deal. So, both sides backtracked. Bloom brushed off the matter, saying that the Tri-Ergon patents were worthless anyway and Fox allowed that

someday he might "entertain a proposition of sale." That was good enough. AT&T drew up the release of all claims regarding the newsreel rights; Fox signed it on February 26, 1929, and on the same day got \$15 million-\$12 million from AT&T and \$3 million from Western Electric.

One detail made Fox uneasy. The loan would come due on February 24, 1930. What if, during that year's time, he could not arrange long-term financing to pay off the debt? He asked for a longer term. "I was told not to worry about that. They said they had faith in me, and if at the end of the year I had not refinanced and could not return the money, they would renew the loan."

Fox asked for the pledge in writing. AT&T refused. "They didn't want it in writing because they said if I couldn't trust them, than the nature of their deal with me was all wrong, and of course, I trusted them." That is, he wanted to trust them even though he knew, from the broken newsreel rights promise, that AT&T didn't necessarily keep its word.

Simultaneously, Fox arranged for a \$12 million loan from Halsey, Stuart & Co., the banking firm that had previously handled a number of financing deals for both Fox companies. Fox could use \$10 million toward the Loew's purchase, but the other \$2 million would have to go toward retiring previous obligations to the firm. This, too, was a short-term loan, due April 1, 1930.

Fox now had half the purchase price. He obtained the rest of the money, plus a \$7 million cushion, from two sources. First, Fox Film, which was having a record year, loaned Fox Theatres \$16 million from cash on hand. Second, Fox got pledges for \$16 million in bank loans. Although the AT&T and Halsey, Stuart loans were unsecured, banks weren't so trusting. Therefore, on Tuesday, February 26, without a written contract for the sale, Fox took possession of the Loew family's 400,000 shares and pledged all of them as collateral for three bank loans. All three lenders valued the Loew's shares at \$40 apiece, even though the market price that day was \$81\frac{1}{4}\$. Three million came from the Chatham & Phenix Bank, where Western Electric president Bloom was a director. Three million came from the Bank of America, where Schenck and the Loew

family kept their money. Ten million came from Bankers Securities, a Philadelphia investment company that Fox had formed with his friend Albert M. Greenfield. These were all call loans, which could be terminated at any time at the lender's discretion.

Despite the narrow window for repayment of this \$43 million from outside sources, Fox wasn't worried. The national economy was soaring. Just as soon as the Justice Department officially approved the acquisition, Halsey, Stuart would arrange (for a handsome commission) long-term financing of \$50 million of the debt by selling securities of the combined Fox-Loew's organization.

As of Tuesday, February 26, 1929, then, Fox's purchase of Loew's was almost irreversible. All that remained was to sign the sale contract.

And that was most unfortunate timing. On that very day, President-elect Hoover offered the job of U.S. attorney general to solicitor general William D. Mitchell, a Democrat from Minnesota. Although Mitchell would wait until February 27 to accept, Donovan was definitely out as a candidate—not only for that job, but also for any position in the new administration. He had rejected Hoover's offers of posts as secretary of war and as governor general of the Philippines and announced plans to quit the Justice Department and return to practicing law. The common understanding was that Donovan had offended several powerful senators and that, as a Catholic, he was unacceptable to certain strident factions of voters, including Ku Klux Klan members in the South and West, who viewed Hoover's election primarily as a Protestant victory over the Catholic Al Smith.

Fox was stupefied. Several years later, he would remember Hoover's rejection of Donovan as having occurred in March, but it didn't. It occurred at a point when Fox might have changed his mind and withdrawn from the Loew's purchase.

He went ahead anyway. On Thursday, February 28, 1929, at the office of Dr. A. P. Giannini, founder of the Bank of America, Fox signed the contracts to buy the Loew family's stock and handed over checks totaling \$50 million.

It was a bigger gamble than he'd meant to take, but still not

necessarily a foolish one. Hoover was an expansion-minded Republican who as Coolidge's secretary of commerce had placed that office largely in service to American big business. In his 1922 book *American Individualism*, Hoover had defined one of America's "great ideals" as "that we shall stimulate effort of each individual to achievement." Surely, he would instruct Mitchell to continue the existing broad-minded antitrust policies.

After Fox handed over his \$50 million, there was no keeping the deal quiet anymore. On Saturday, March 2, 1929, the news that Fox had bought Loew's hit the financial tickers, and United Press quickly issued a story. The trade press, which had been chattering for months, now roared.

So, on March 3, 1929, Fox held that afternoon press conference in the fifth-floor projection room of the Roxy Theatre and handed out his one-page typed press release that said almost nothing, only that Fox Theatres had bought "a substantial block" of Loew's common stock. During the ensuing question-and-answer period, as forty or fifty reporters pressed for clarification, Fox remained evasive. One peeved newshound commented, "By a process of meticulous hair-splitting, he managed to tell the reporters nothing, and in the end they got nothing. Which made a lot of them wonder why the statement wasn't merely sent to the newspaper in the first place and let it go at that."

Simultaneously, in Washington, DC, a Fox Movietone News crew was interviewing newly installed attorney general William D. Mitchell, who said nothing of substance about his attitude toward big business.

Fox left the Roxy press conference tense and glum. The glowing praise that followed failed to lift his spirits. Yes, the summations were true—"The man with the Midas touch"; "a brilliant show of power"; "the biggest and most startling theatre deal on record of the show business anywhere"—but otherwise very little was as it outwardly seemed. As always, money was at the center of his worries.

Big Money

[M] oney in New York . . . the sky is lined with greenbacks . . . winnings sing from every streetcorner.

-JOHN DOS PASSOS, THE BIG MONEY

Altogether, between 1927 and early 1929, including his purchase of the 400,000 shares of Loew's, Inc., Fox committed Fox Film and Fox Theatres to spending about \$370 million for film production and the acquisition of theaters. Publicly, Fox spoke as if money rained from the heavens to support his plans, and most observers readily accepted that picture. After all, it was the late 1920s, a time of unparalleled prosperity in American history.

But where did all the money *really* come from? That had always been a key question behind the growth of the Fox enterprises, and the answers along the way had illuminated the contradictory sides of Fox's character. Vision, energy, leadership skill, a keen eye for talent—he had all those, but they hadn't been enough to pull in all the working capital he needed. He'd had to get his hands dirty by taking money from Big Tim Sullivan and the underhand upper-class New Jersey investors and then, amid the hostile business conditions of the early 1920s, by exploiting the weaker negotiating position of exhibitors. Now, in the late 1920s, with competition more intense and the stakes higher, the question mattered more than ever. Where *did* the money come from?

Some of it, of course, came from the movies themselves. In 1927 and 1928, gross film rentals provided revenue of \$21.8 million and \$25.1 million respectively to Fox Film; sales of advertising materials to exhibitors added at least another \$1 million each year. From that income had to be deducted film production costs, studio overhead, and other operating expenses. The resulting figures represented Fox Film's net profits: \$3.1 million for 1927 and \$6 million for 1928. But the company did not get to keep all that money for itself. Shareholders expected their \$4-per-share annual dividends, and it was simply not cost effective not to pay them because dividends were considered a crucial indicator of a company's financial health. In 1927 the company doled out \$2 million in dividends, and in 1928, \$3.2 million. Thus, while Fox movies could comfortably pay for themselves at a rate that was on track with the planned \$100 million production budget for 1928 through 1932, there would be nowhere near enough left over to make a significant dent in the other \$270 million needed.

The lion's share of that remaining \$270 million commitment arose from the cost of buying and building theaters to increase access to the moviegoing public. Yet Fox Theatres had even less money than Fox Film to contribute to the cause. The company was not tremendously profitable and wasn't intended to be. Fox had created Fox Theatres in 1925 as a "retail division," essentially a chain of fancy stores to sell Fox Film's products.

The money for expansion, then, could not come from the earnings of either Fox company; neither would it come from commercial loans. By the late 1920s, almost no major enterprise with even a pretense to prosperity went to the bank to borrow money. Amid the dynamic business conditions of the era, bank loans were disadvantageous not only because they had to be repaid in regular installments within a relatively short time frame, thus restricting flexibility, but also because they burdened a company with fixed charges that would sharpen the impact of an unexpected revenue decline and create a risk of bankruptcy.

Instead, any company that could do so turned to the stock market. The public obliged, generating a "white heat" of speculation. In 1925, 452 million shares of stock had been traded on the New York Stock Exchange; in 1928, that number soared to 920 million shares. Banks fueled the upsurge, lending to investors who couldn't actually afford their purchases but who intended to sell out quickly at a higher price. By June 1929, reflecting a nationwide trend, New York and Chicago banks had more than 28 percent of their resources tied up in securities loans.

Swept along by those mighty economic currents, Fox set about financing his expansion plan by selling new stocks and bonds for his companies. It looked like easy money. Stock sale proceeds would never have to be repaid, except as one might voluntarily assume a moral obligation to generate profits for investors. Mortgage bond funds would have to be returned, but generally at the end of a considerably longer time period and at a lower interest rate compared to commercial loans.

Between 1927 and 1929, both Fox Film and Fox Theatres roughly doubled their number of outstanding Class A shares. Fox Film added 420,660 new shares to the 400,000 that had been distributed when the company went public in 1925, while Fox Theatres increased its outstanding Class A shares from 800,000 to 1,583,000. Each company kept its Class B voting shares at 100,000, because to issue more of those would have meant that Fox personally would have had to buy them in order to maintain absolute control. The two companies also sold \$36.25 million in bonds to finance construction of the studios in Los Angeles and New York as well as the building and acquisition of various Fox theaters. To repay the \$50 million he had borrowed to buy the Loew's shares, Fox planned to merge Fox Film, Fox Theatres, and Loew's and to issue stock for the huge combined organization.

Stock market money wasn't entirely easy money. A major drawback of all the new capital flooding into the stock market was that it came largely from uneducated small investors who, responding to advertising and oral tips, tended to run in and out of investments on a whim. The resulting volatility in share prices was inimical to the

interests of companies such as Fox Film and Fox Theatres, which needed to be able to demonstrate steady, dependable forward movement in order to sell new shares whenever they wanted. Sharp upswings in price were not desirable because astute professional investors knew they were likely to be balanced at some point by wide downswings.

Fox thus found himself in a peculiar position. His companies really did have, as he put it, "bedrock stability," yet they were at risk of being kicked around all over the board because of broad market conditions. In order to compete, Fox realized he would have to actively manage his shares' performance so that the Fox companies looked like the stable, profitable investments he believed them to be. As he later said, "Stocks don't stay up without being kept up or put up."

Everybody was doing it, and many tactics for rigging the market were neither illegal nor against New York Stock Exchange rules. Not to fall in line, Fox believed, would be to fall behind.

Beginning in July 1927, Fox conducted a secret market operation to boost the price of Fox Film stock, which was then selling at around \$55 per share. Fox did not invent the scheme, and many others were using it to advance their own stocks. In his case, he had the Taylor, Thorne & Co. brokerage firm assemble a "syndicate," a small group of professional traders and wealthy investors who put money into a pool specifically for trading in Fox Film shares. Using this money, a Taylor, Thorne syndicate manager went out into the open market and started buying Fox Film stock to make it look desirable. Then the Taylor, Thorne manager controlled the price's upward movement at a gradual pace, allowing no more than a quarter of a point increase at a time. As one syndicate participant later explained, "[I]f the last sale was 571/2 and a buyer comes into that stock, to see that it does not sell at 58, all you have to do on the floor of the New York Stock Exchange is to offer 100 shares at 573/4." A slow stride forward conveyed the impression of wise investors backing the stock, people who didn't need to get rich quick because they already were rich. Every week, to make sure that Taylor, Thorne stayed ahead of the general public, Fox fed the

syndicate inside information about Fox Film's performance—a notyet-illegal practice.

Fox always insisted that he conducted the trading syndicate only to maintain an orderly market for Fox Film stock. In fact, the operation also yielded rich profits to the participants. When the syndicate closed in early April 1928 after eight months of operation, it showed a 71 percent return. As the syndicate's largest participant, having invested \$120,000, Fox got the most—a profit of \$84,723. He knew there was something underhanded about it. To hide his involvement, he carried his Taylor, Thorne account not in his own name, but in that of his New Jersey bankers, Eisele & King.

He also used the Taylor, Thorne market operation to manipulate public perception of value so he could get the prices he wanted for new Fox Film stock offerings. In January 1928, while the syndicate was still going, and at a point when it had raised Fox Film's share price to the \$80–\$90 range, Fox released two new blocks of the company's stock, totaling 267,216 shares. The purpose was to finance the \$16 million purchase of the Wesco shares, which conferred full control of the prized West Coast Theaters chain. That arrangement was questionable. Properly, Fox Theatres, and not Fox Film, should have bought the Wesco stock because theater management was its business. However, with its longer history and greater profitability, Fox Film could raise the money by selling new stock more easily than Fox Theatres could.

At first, everything went smoothly. The first of the two January 1928 stock offerings, for 125,000 shares of Fox Film stock, sold out quickly. That was because the shares were offered at \$75 while the market price fluctuated from \$7 to \$13 higher. According to Fox Film bylaws, new shares had to be offered first to existing shareholders. Recognizing a bargain, they bought all 125,000 shares. After broker's fees and commissions, Fox Film netted \$9 million within forty-five days.

The ease of that stock offering was deceptive. Amid the mercurial and highly emotional atmosphere of the late 1920s, investors were not always willing to be led down the garden path, even when the professionals made the numbers make sense. Fox

learned this with his second offering of Fox Film stock in January 1928. In that instance, he was dealing with the Wesco stockholders, who were represented by Hayden, Stone. Fox offered to buy their Wesco shares for \$55 each or to exchange them at a rate of one Wesco share to three-quarters of a Fox Film Class A share. Because that formula effectively sold Fox Film shares at \$73.33 each, Fox expected that almost all the Wesco shareholders would prefer the exchange option. As it turned out, the owners of 109,000 of the total 295,000 Wesco shares wanted cash, amounting to nearly \$6 million.

Fox didn't have \$6 million to part with. Consequently, Hayden, Stone assembled a group of investors to buy the 109,000 Wesco shares at \$55 each from the owners. The group then exchanged the Wesco shares for 81,750 Fox Film shares, took another 60,466 Fox Film shares at \$75 each, and set about marketing them to the public. It should have been an easy task. In the background, Fox was still running the Taylor, Thorne price-fixing syndicate, and four days before it was scheduled to end in early April 1928, he started another one. (The purpose of ending one group and forming another was to allow participants an opportunity to leave with their profits and to let in new members.)

The plan failed. In the spring of 1928, Fox Film's share price suddenly dropped. There wasn't any good reason for it, but there wasn't any good reason for much of the stock market's behavior at the time. Hayden, Stone sold only a few of its Fox Film shares at a profit, and then, when the market price refused to move upward during the next few months, the firm halted sales.

The situation resolved itself, but not in any way that was reassuring to Fox. Instead, mysterious forces took hold. In mid-June 1928, Fox Film's share price suddenly began to climb from \$72 to well over \$100. The company's performance didn't warrant the price increase, Fox knew, and he did not want the price so high because of the risk that it would crash down to its rightful level.

Although he was never able to confirm it, Fox believed that the driving force behind the price run-up was William C. Durant, the twice-deposed founder of General Motors who had moved to New

York to play the stock market full time. Durant was one of the so-called "big ten," which was actually a group of about twenty-five multimillionaires from the Midwest who—operating secretly with their brokers, in defiance of Wall Street customs and precedents and against considerable opposition—had commandeered the stock market by the summer of 1928. Throwing money at about fifty targeted securities, they lured the public to follow in their footsteps and then, with share prices rising by 10 to more than 100 points, cashed out with huge profits. One of Durant's pet stocks was Fox Film.

As the share price spiraled upward, the Hayden, Stone group sold all its remaining Fox Film shares, taking in a gross profit of \$1.6 million. That effort ended on September 10, 1928, the very day that Fox Film stock hit an all-time high of 1195%.

The share price then drifted down and settled around \$109. That was still too high. Fox worried that a sudden, sharp drop would make it difficult later on to market more shares. To ease the price back to what he believed was the appropriate level—and to raise more money to pay off mortgages, discharge bank debts, and help pay for more Movietone City construction—he arranged for Hayden, Stone to underwrite another 153,444 Fox Film shares at \$85 each, beginning on October 1, 1928. Again, the offer had to go first to existing shareholders, and again, as they had at the beginning of the year, the existing shareholders responded enthusiastically, taking all but 247 shares within twenty-one days. Fox Film received \$12.4 million, and as intended, the share price drifted down to the mid-\$80s, where it had been at the beginning of the year.

Again, this was not natural market activity. In the background, Fox was running a third Taylor, Thorne price-fixing syndicate. This one had started on August 31, 1928, the same day that the second syndicate closed, and continued until October 30, 1928, after the stock offering to the shareholders closed.

Altogether, then, during the sixteen months from July 1927 through October 1928, Fox continuously manipulated Fox Film's share price through secret trading activity. He had no misgivings.

He considered it his "obligation to take care of the market" for the sake of Fox Film, and later said, "I did the best I knew how." If he had personally invested in and profited from all three Taylor, Thorne syndicates (and he had), and if, for all three, he never put his own name on his account (and he had not), that was his own business. He had done nothing illegal.

Fox also disregarded the lesson that had confronted him in his unsought entanglement with William C. Durant: he was dealing with forces he didn't fully comprehend, and he'd been lucky to escape unharmed. Instead, he chose to believe he had mastered the situation. The incident seemed to confirm once again his supreme ability to triumph over every challenge. He saw what he wanted to see, and he had no one around him to suggest that the truth might be otherwise.

With Fox Theatres, Fox acted even more aggressively than he did with Fox Film. He could do so because he had set up Fox Theatres differently. Fox Film's bylaws required the company to offer new shares first to existing stockholders, so any new stock issue had to be publicly disclosed, and transactions were exposed to public scrutiny. Fox Theatres had no such restriction. Its board of directors could grant stock options to whomever it wished—and since Fox owned 100 percent of Fox Theatres' voting stock and thus controlled the directors, they granted options to whomever he wished. There was no need to reveal these actions to outsiders. Behind that lowered veil, Fox was governed only by his own conscience. In the late 1920s, that was a hazardous proposition.

From 1927 through 1929, Fox traded continually in Fox Theatres stock through as many as twenty-two brokerage houses. At each firm, he kept up to seven accounts, all in the names of relatives or employees, in order to disguise his participation. The purpose was to sell new Fox Theatres stock to the public without using bankers, whom Fox regarded as little more than parasites.

It was a highly unorthodox way to conduct business. Typically, a company looking to raise money sold a block of new shares at a

discount to investment bankers who, because they would get stuck with any unsold shares, first researched the company to make sure its prospects were sound. The existence of a middleman provided reassurance to potential investors, in that a seemingly independent, seemingly astute party had judged that this was not a swindle.

But Fox didn't want to pay the standard bankers' commission of \$3 per share. He didn't think he had to. Fox Theatres had operated profitably since its inception, and it had some of the largest, most beautiful properties in the business. The public could see that. Bankers would have nothing to do except mail out paperwork and collect checks. That was all, he believed, that Hayden, Stone had done when it had sold the new Fox Film shares to existing stockholders in January and October 1928. The Wesco shares conversion did require some actual work, but altogether Hayden, Stone had received about \$1.4 million in fees and commissions. Fox hated paying that \$1.4 million. In his view, the money could have gone instead toward the upbuilding of his companies.

Altogether, through his brokerage accounts, Fox moved 700,000 new shares out of the Fox Theatres treasury and into the hands of the public—supplementing the 800,000 shares that had been issued at the company's inception in November 1925. (The other 83,000 Fox Theatres shares that would be outstanding by the end of 1929 appear to have been sold by the company directly to the public in the early fall of 1929.) At first, in selling the new Fox Theatres stock, Fox either covered his tracks very carefully or handled the transactions in a relatively unobjectionable way. At least, his activity in 1927 would never be pinpointed for public criticism.

However, in mid-1928, amid the stock market's broad, frenzied run-up, he cast off restraint and conducted two short-selling operations in Fox Theatres stock that directly conflicted with his duties as president and chairman of the board of the company. A short sale amounts to a bet against a company's performance. On the assumption that the share price is about to decline, one first borrows stock from a brokerage firm for a specified period of time for a relatively modest fee. Then one sells the borrowed shares. When the stock price declines, one buys the number of shares that

one had borrowed and returns them to the lender. The arrangement reverses the order of the usual rule for stock market speculation. "Buy low, sell high" becomes "Sell high, buy low" and allows investors to profit in a down market. Company officers, of course, are supposed to concentrate entirely on doing well.

To run the Fox Theatres short-selling scheme, Fox enlisted Michael J. Meehan, head of the M. J. Meehan & Company brokerage firm. In his late thirties, Meehan was a quiet, round-faced figure who wore glasses with severe metal frames and brushed his hair smoothly back from his forehead. A former cigar salesman, he was now considered one of the shrewdest minds on Wall Street.

Fox and Meehan devised a nearly foolproof plan. To sidestep the main risk of short selling—that a stock price won't decline but might actually gain—Fox gave Meehan options to buy Fox Theatres stock at prices ranging from \$26 to \$28. The options assured Meehan of the price at which he could buy shares in the future. Therefore, he knew the price at which his managers had to sell shares now in order to get the profits they wanted. On Fox's side, the arrangement would raise money for Fox Theatres without incurring the usual \$3 per share commission imposed by bankers. M. J. Meehan & Company would receive a more modest management fee—in one case, 10 percent of the net profits of the operation. To get working capital, Meehan formed syndicates of investors. The scheme's only remaining risk was that no serious buyers would materialize and the operation would be a waste of time.

Fox took care of that, too. Through his many brokerage accounts held in other people's names, he created wash sales in order to stimulate the market. That is, he placed buy and sell orders in the exact same amounts, usually on the same day, to generate an appearance of interest in the stock. In the first Meehan syndicate, such phony transactions accounted for 35 percent of the total trading.* The trick worked. Traders on the floor of the New York Curb Exchange, where the stock was listed, ran after Fox Theatres shares. As the Meehan & Company syndicate manager later explained, floor traders "are always glad to follow . . . any activity

in the stock."

As a result of these manipulations, Fox Theatres' share price went as high as 37%. After selling at the artificially inflated prices, Meehan & Company exercised its option with Fox Theatres and bought the shares it needed to deliver to the buyers for as much as eleven or twelve points below the price at which it had sold them. The first short-selling syndicate lasted five and a half weeks, from August to October 1928, and generated a profit of \$433,308. With a 26 percent share, Fox personally received \$110,660. The second syndicate, which ran from December 1928 to April 1929, yielded a profit of nearly \$2 million. Fox's share was \$322,960.

There were so many dubious aspects of the process. The fact that Fox gave relatively low-priced stock options to Meehan meant that he was essentially betting that the public would pay more for the shares than he believed they were worth. And by running the wash sales campaign, he was manipulating the public into valuing the shares at an artificially high level. Moreover, through his personal participation in the Meehan & Company syndicates, he was profiting at the expense of his company. Fox Theatres received no more than the option price for its shares; the difference between that price and the market price all went to the syndicate members. In an ideal world, Fox Theatres would have benefited fully from the public's estimation of its value.

Later, Fox would say that he had conducted his personal trading accounts both for his own and Fox Theatres' profit. However, Fox Theatres had never expressly authorized him to act on its behalf, and kept no written records of these transactions. "[I]t was best not to have an entry" on the books, Fox said. Instead, he stored the information in his head, and when questioned later, he couldn't recall the specifics. There is no evidence that any of the syndicate profits made it back to the company.

Much of what Fox did would soon be illegal, thanks to the Securities Exchange Act of 1934, which outlawed short selling by a company's officers* and prohibited the buying and selling of shares in order to create an appearance of market activity. At the time, though, Fox broke no laws. He could further reassure himself by

noting the stature of some of the other Fox Theatres syndicate participants. The second Meehan & Company syndicate included John J. Raskob, the right-hand man of Pierre du Pont and the former vice president for finance of General Motors; Walter P. Chrysler, founder of the Chrysler automobile company; and Nicholas F. Brady, chairman of the board of the New York Edison Company and a director of Chrysler, Westinghouse Electric, and Union Carbide.

On some level, Fox was ashamed of the short selling and wanted as few people as possible to know about his involvement. In at least one of the wash sales, he routed the transaction through five different brokerage houses, although ordinarily it would have cleared directly between two houses. When the time came to pay out the profits of the second short-selling syndicate, he had his check made out to a Meehan & Company employee, who then endorsed it over to him. According to that employee, the purpose was to hide Fox's identity from the brokerage's three hundred to four hundred clerical employees. Later, Fox would call short selling a "rotten" practice that ought to be outlawed.

On the other hand, with moral superiority at the heart of his self-image, Fox could never quite see himself in a guilty light. He insisted that all his trading in Fox company stock had been "perfectly proper"—which meant that short selling wasn't wrong at all. In that frame of mind, he said, "Short selling is a common practice that is indulged in by many people. The New York Stock Exchange knows how to prevent it any morning if they wish to stop it. They permit it and I can't see any crime in selling stock short."

An uneasy conscience made it difficult to think clearly.

Not even the Fox companies' mortgage bond issues (relatively conservative investments that were secured by real estate and buildings) went smoothly. After buying the land in 1925 to build his first two five-thousand-seat "super theaters" in Detroit and St. Louis, each of which would have an office building on top of it, Fox spent more than a year searching in vain for bankers to finance

construction. Finally, in early 1927, the Chicago-based firm of Halsey, Stuart & Company signed on for the job. Halsey, Stuart president Harry Stuart said the firm did so to help Fox out of a tight spot. More plausibly, Fox claimed that Halsey, Stuart—never having handled theater securities before but wanting to get in on a promising new field—solicited the business.

The relationship was contentious from the beginning. Halsey, Stuart miscalculated the amount of work involved to sell the Detroit and St. Louis Fox theater bonds and had to conduct an expensive publicity campaign that completely ate up its commission of less than 7 percent. The firm was not in the habit of working for free. Consequently, when Fox came to Harry Stuart in the fall of 1928 with an emergency situation, Stuart exercised his resentment.

At that time, Fox's \$25 million deal to buy the Poli theater circuit in New England was about to collapse. Fox had arranged to borrow most of the money from the circuit's founder and owner, Sylvester Poli, through a "purchase money first mortgage," a type of agreement in which the seller acts like a bank and lends money to the buyer. Fox Theatres also threw in some cash, and because Halsey, Stuart hadn't wanted the deal, Fox had lined up another banking firm to underwrite second mortgage bonds for the final \$4 million. At the last minute, the other bankers backed out. Harry Stuart agreed to have Halsey, Stuart step in and take over the second mortgage bond underwriting, but only if Fox wrote a letter promising to make a special payment of \$1 million for "past services."

Fox agreed, but not happily. In his view, Halsey, Stuart was being well compensated: between 1927 and 1929, the firm would receive nearly \$3.4 million from the Fox companies for issuing \$48 million worth of securities. A lot of it was easy work. The public oversubscribed to second mortgage bonds for both the Roxy Theatre and the Poli Circuit, and a Halsey, Stuart executive told Fox his firm made good money on the deals. Furthermore, bankers were not builders of enterprise. They were buzzards, circling overhead, eyeing opportunities to feed upon others' hard work. So, when Halsey, Stuart officials kept asking for the \$1 million commitment

letter, Fox kept not writing it.

Fox's involvement in high finance swept him into a circle of shady characters. Typically, they were well educated, sleekly groomed, socially prominent, and extremely wealthy. In the spirit of the times, all they lacked was a public conscience.

Richard F. Hoyt, the Hayden, Stone partner who arranged the Wesco shares sale to Fox, was a Harvard University graduate, a yachting enthusiast, a skilled airplane pilot, and a ruthless mercenary. In 1926, Hoyt had unsuccessfully defended himself against fraud charges brought by a former client, Grace Van Braam Roberts, a railroad president's daughter who had lost several hundred thousand dollars after Hoyt pushed her to buy stock in the Atlantic Gulf and West Indies steamship line. Hoyt claimed he had simply given honest bad advice. However, at the time he was urging Roberts to buy the shares, he was a director of Atlantic Gulf and West Indies and was dumping his personal holdings of the company's stock. Hayden, Stone paid the \$16,000 court judgment against Hoyt, and although Roberts tried for years, the New York Stock Exchange's business conduct committee refused to censure Hoyt in any way. Roberts commented, "If the members of this firm had cheated at cards or in a yacht race they would have been expelled from their clubs. Why is stealing money from trusting customers more respectable?"

Harry Stuart, the president of Halsey, Stuart, Fox's main banking firm, was cut from similar cloth. Impeccably groomed, usually with a carnation in his buttonhole, Stuart had a warm, ingratiating manner that masked icy, amoral instincts. Based in Chicago, he had made his fortune as a chief adviser and close friend to Samuel Insull, the founder of a huge inverted pyramid of utilities companies that would soon buckle and collapse into a heap of financial disaster. Stuart ultimately marketed \$2 billion in largely watered Insull securities, collecting at least \$20 million in fees.* Some sympathizers of Insull, who was previously a respected inventor, believed Stuart led him astray.

Insull's wasn't the only crooked business that Stuart promoted. In 1928, Halsey, Stuart marketed \$2.5 million in gold debentures for Wardman Realty and Construction, which owned hotels and office buildings in Washington, DC. In its promotional literature, Halsey, Stuart failed to mention that Wardman had \$16 million in prior liens and had been threatened with foreclosure proceedings in 1927. For that oversight, Harry Stuart would later be charged with mail fraud.

Furthermore, on a weekly basis Halsey, Stuart tried to bamboozle the public with its nationwide radio show, *The Old Counsellor*. Every Thursday night, interspersed with "tuneful . . . high order" musical entertainment, the program featured an allegedly wise, allegedly well-seasoned financial expert who profiled business leaders and offered advice about promising stock market investments. In fact, the sixty-minute show was just a sneaky sales pitch. All the supposedly model executives worked at companies whose securities Halsey, Stuart was selling and the mellow-voiced "Old Counsellor" was no such thing: he was actually a middle-aged University of Chicago professor of public speaking, Bertram J. Nelson, who for fifty dollars a week read a script prepared for him at the Halsey, Stuart office.

At arm's length from Fox was Albert H. Wiggin, chairman of the board of the Chase National Bank. Through his private investment company, the Shermar Corporation, Wiggin participated in the Hayden, Stone syndicate that sold Fox Film shares from January to mid-September 1928; on an investment of \$375,000, Shermar received a profit of more than \$65,000. During the same general time frame, Wiggin was conducting an extensive insider-trading operation in Chase Bank and Chase Securities stock that by 1932 would yield \$10.4 million in cash profits to him personally. He also helped engineer one of the financial industry trends that positioned the U.S. economy for a precipitous fall: the rise of bank-affiliated securities companies. In 1917, he had started Chase Securities as an investment banking firm that would underwrite new stock offerings. So it operated until 1928, when the stock market boom began. Wiggin then plunged Chase Securities into speculative trading.

Using Chase Bank deposits (then uninsured by the federal government), Chase Securities threw money onto the gambling tables of the late 1920s stock market. According to Columbia University economics professor H. Parker Willis, who helped draft the Federal Reserve Act and who served as the Federal Reserve Board's first secretary from 1914 to 1918, securities affiliates such as Chase Securities violated "[p]ractically every maxim of sound banking formerly known" and were "a national disgrace."

Fox didn't like any of these overseers of high finance, but he became one of them. He thought he had to in order to control his future. In 1927 or 1928, he joined the board of Harriman Bank, serving for less than a year. Then, on May 8, 1928, he created Bankers Securities with his close friend, millionaire Philadelphia realtor Albert M. Greenfield. A deal maker more than a real estate enthusiast, the Russian-born Greenfield had taken over a small West Philadelphia bank in 1926 and built it up as the Bankers Trust Company. Fox was a shareholder in Bankers Trust and, following the trend led by Chase Securities, he and Greenfield decided to form Bankers Securities as a securities-trading affiliate. Greenfield became chairman of the board, and Fox, a director of the new company. Having started with \$12 million raised through stock sales, Bankers Securities increased its assets to nearly \$31.6 million in less than fourteen months.

Although Bankers Securities loaned Fox \$10 million in early 1929 toward his purchase of the Loew's shares, he hated the general idea of the company. Later, when Greenfield's Bankers Trust had collapsed and he had nothing to lose by expressing his true opinion, Fox called bank-affiliated securities companies "the most damnable practice that the banking world of this country has ever known."

Secret stock price manipulation, short selling his own company's stock, starting a bank-related securities company that helped destabilize the nation's financial foundation—these were the tactics Fox used to get a large part of the money that fueled the tremendous expansion of his film empire during the late 1920s. He

had misgivings, surely. But he had taken tainted money before and had redeemed it. He had built two huge, wonderful companies that gave many people fulfilling, creative employment and that brightened the lives of countless audience members around the world. He would clean up the money this time, too. He had to. Fox Film and Fox Theatres were still his shining cities on a hill, worth whatever sacrifices he had to make for their welfare.

Trouble

Two main pressures bore down on Fox during the spring and summer of 1929. First, he had to get antitrust clearance from the U.S. Justice Department for the planned Fox-Loew's merger. Second, he had to arrange permanent financing for the \$50 million he'd spent—most of it obtained in short-term loans—to buy the Loew family's stock. The second event depended on the first. Without Justice Department approval, he would not be able to raise money through the sale of stock in a combined Fox-Loew's organization because there would be no combined Fox-Loew's organization. And if he couldn't raise the money to pay off his debts, Fox Film and Fox Theatres would collapse financially.

He'd learned nothing about the new Hoover administration's attitude toward big business from the Fox News crew he sent to Washington, DC, on March 3, 1929, to interview the incoming U.S. attorney general, William D. Mitchell. Looking stiff and ill at ease, sitting at a desk with papers and a telephone on it, Mitchell droned on in general about the purpose of the Department of Justice—"enforcing the law and conducting the legal business of the federal government, civil and criminal"—and stated his philosophy in terms so noncommittal as to be meaningless. He said nothing about corporate mergers.

Neither had Fox gotten any reassurance during several visits to Washington, DC—quite the contrary. Shortly after the disappointing Fox News interview, Fox called on Mitchell at the Department of

Justice to tell him that the previous administration had already approved the proposed Fox-Loew's merger. Mitchell rebuffed him, saying he knew nothing about any such arrangement and advising him that no decision would be made until Hoover had named a new assistant attorney general in charge of antitrust.

That took until the end of May 1929, and the result was alarming. John Lord O'Brian, a lawyer with a prestigious private practice in Buffalo, hadn't wanted the antitrust job, but had been arm-twisted by Hoover into accepting it. Disgruntled by a sense of "considerable sacrifice," he agreed to meet with Fox and lawyer Saul Rogers, but dismissed them brusquely. They were wrong, O'Brian told Fox and Rogers. The Department of Justice had never approved Fox's purchase of the Loew's shares. In fact, he snapped, "as I read this record, I find the opposite, we warned you against it."

Astounded, Fox protested that there had to be a mistake. O'Brian didn't want to hear about it. Also in the room was C. Stanley Thompson, who had spent a month at the beginning of 1929 reviewing the proposed acquisition with Rogers. Fox asked Thompson to clear up the matter. Thompson said he would answer only if O'Brian asked him. O'Brian didn't. Then O'Brian stood up; the meeting was over.

Leaving, Fox had no idea what to do. He knew only that he was in extremely serious trouble. If the Justice Department truly meant to quash his purchase of the Loew's shares, the eventual result would be either a divestiture order forcing him to sell the stock or a consent decree requiring him to hold it as an investment that would be managed by court-appointed trustees. Either way, the consequences would be ruinous.

If ordered to sell the stock, Fox would never be able to get anywhere near the \$125 share price he had paid in order to get such a large block all at once. The market rate was only about \$60, and even that amount was unlikely. One could not dump 400,000 shares on the market without depressing the price. And if Fox couldn't get approval to merge the Fox companies with Loew's, no other studio would want the Loew's shares—certainly not Warner

Bros., which had been his chief rival for them. The Warners were now in merger talks with Paramount. Although a consent decree would allow Fox to keep the Loew's shares and benefit from them as a dividend-bearing investment, the Fox companies wouldn't be able to afford the shares under such conditions. They didn't have \$50 million in cash to pay back the debts incurred in buying the stock from the Loew family.

If Fox failed to meet the due dates in early 1930 of his \$27 million in loans from AT&T and Halsey, Stuart, those creditors could file receivership lawsuits against Fox Film and Fox Theatres.* Then the companies would be put into the hands of a court-appointed receiver, who would probably chop them up into pieces to be sold off to raise the money to pay the debts.

Fox had taken the biggest risk of his life with no contingency plan, no way to absorb failure and move on. There had seemed so little chance that events would go against him.

The situation worsened. A few days after his meeting with O'Brian, "two dapper young men" from the Department of Justice arrived at Fox's office to hammer him with questions about the "illegal acquisition" of the Loew's shares. Exactly how many did Fox own, they asked. Was it 400,000 or was it more than 400,000 shares? And where had Fox gotten the money? Fox didn't answer their questions, but the Justice Department agents didn't go away. Instead, they remained in New York and began visiting stock brokerage firms where Fox had accounts.

Would they learn that, as of June 1, 1929, Fox had bought another 260,900 Loew's shares in the open market, so that instead of a less-than-one-third ownership position, he now controlled nearly half of the total 1,334,453 outstanding Loew's shares? He hadn't told the government about the additional purchases. In fact, he had tried to disguise them by making them in the names of relatives, friends, and employees. Would the eager young Justice Department agents also uncover the sneaky transactions he'd conducted over the past few years to boost the Fox companies' share prices?

Racked with worry, Fox became physically ill. He stayed in bed

at Fox Hall for more than a week. It could be fixed, he told himself. Government, he believed, worked just the way business did. People in the middle might run scared, but the man at the top could do what he wanted. A word from the White House would set the matter right.

Fox believed the president was his friend. He had met Hoover during the presidential campaign through their mutual friend Albert M. Greenfield and, "desirous of working for his election," had put the Fox Movietone News and its silent counterpart, Fox News, in service to the candidate. Week after week, at great expense to Fox and the Fox companies, flattering coverage went out to an audience of about ten million.

As thanks, Hoover sent Fox an autographed photo. The day after Hoover's victory on November 6, 1928, Fox promised that the Fox newsreels would continue their propaganda. "I have issued instructions that your personal and official wishes are to be followed to the letter," he wrote to Hoover. The Fox newsreels would show "to the world in the best possible light what you and our government stand for." Hoover wrote back briefly, thanking Fox for his "fine assistance."* Maybe that wasn't exactly friendship. Nonetheless, accustomed to the horse-trading ethos of New York City politics, Fox believed that Hoover at least owed him. To strengthen his ties to the president, Fox now hired Pittsburgh lawyer James Francis Burke, the Republican National Committee's general counsel, who had also been Hoover's main presidential campaign adviser, and accepted an offer of free help from Republican National Committee chairman Col. Claudius H. Huston.

A lunch was arranged for Fox at the White House in early June 1929. He thought it went well. After a sociable meal, he and Hoover adjourned to the smoking room, where Hoover listened attentively and seemed "vitally interested" as Fox recounted his troubles. Merely a misunderstanding, Hoover assured Fox. All he had to do was send Saul Rogers back to Attorney General Mitchell's office and, Hoover said, "I am sure they will understand that an error has been made here."

Rogers promptly made the trip and, Fox said, "it got him

Fox felt betrayed by the Justice Department. In his mind, he had diligently sought and received official approval for the Loew's purchase. Now the government was pulling back, threatening to leave him stuck with a white elephant. In fact, the issue was much more complicated.

For one thing, Fox had misread the new president. Hoover wasn't so much a laissez-faire capitalist as a proponent of what he called "true liberalism" in economics, which meant roughly that competition should not be fettered by any factors, including overwhelming market influence. Hoover had let it be known that he considered the Coolidge administration to have been too cozy with big business. Had Fox been listening, he would have heard Hoover, during campaign speeches and in his inaugural address, promise to prioritize antitrust law enforcement.

Furthermore, contrary to Fox's assumption, government didn't operate like a commercial business. A new administration had no obligation to abide by any assurances or advice given by its predecessor. Also, Fox had never actually received official approval for the Loew's deal. The then-assistant attorney general in charge of antitrust, William Donovan, had simply stated that if he were to become attorney general, then based on the information Fox had provided, he would not object. Yet the deal that Fox had outlined to Donovan was not the deal currently in place. The original 400,000-share purchase had put Fox in a position where he might, at least theoretically, be overruled by the other Loew's stockholders. Now, with a near majority of the shares, he almost certainly would not be.

Most pointedly, Fox's purpose in acquiring Loew's violated the letter of the law. The Sherman Antitrust Act of 1890 outlawed attempts to monopolize an industry, and the 1914 Clayton Antitrust Act expanded the prohibitions to include mergers and acquisitions that would substantially reduce market competition. Although he never admitted it in such terms, Fox did intend to reduce

competition in the motion picture industry. Of the \$17 million in annual savings projected to come from the Fox-Loew's merger, he expected that a substantial part would be achieved by eliminating cross bidding between Fox Film and MGM for stories, actors, and directors.

What had gone wrong? One evening in mid- or late June 1929, Fox had a long conversation at Fox Hall with Republican National Committee lawyer Burke and RNC chairman Huston, who casually suggested that he talk to Louis B. Mayer. "While no one had told me that he [Mayer] had anything to do with my difficulties with the Attorney General, I surmised he had," Fox said. The idea made sense. M-G-M's president was a longtime close friend of Hoover and had worked aggressively on his presidential campaign. In appreciation, Hoover had invited Mayer and his family to attend the March 4 inauguration ceremonies and to stay at the White House as his first overnight guests. Mayer, Fox knew, was not happy about Fox's purchase of the Loew's stock.

Fox now realized he had made a serious tactical error by discounting Mayer and the other two executives who ran M-G-M, head of production Irving Thalberg and vice president and legal counsel J. Robert Rubin. Not only had he ignored them during the presale talks, but also after learning of Mayer's pique, he had never apologized. To the contrary, he had insulted the M-G-M triumvirate again during a meeting held in late February 1929 to discuss the just-concluded deal.

Mayer, Thalberg, and Rubin had been fighting mad. Why, they wanted to know, hadn't they received any of Fox's \$50 million payment, given that they had built M-G-M up into a success and had bolstered the revenues of the Loew's theaters by giving them such good movies to show? The fact that none of the three owned any Loew's stock was, to them, beside the point. According to Fox, "What they would have liked to have done was to have bought some of these shares on the market, when they heard 400,000 shares were to be sold for \$50 million, and [to have] sold them for

more than twice as much as they bought them for." Fox was unmoved. "I told them that they hadn't expressed any faith in their company . . . by the mere fact that they had not seen fit to invest any of their money in the stock of that company."

Such bluntness, Fox conceded, "didn't make friends for me." At the time of the conversation, he didn't care. He considered Mayer, Thalberg, and Rubin valuable, yet replaceable. Well, not exactly, Loew's president, Nicholas Schenck, told Fox. Irving Thalberg really did matter, but his loyalty could be bought. So Fox did buy it. On the day Thalberg returned to Los Angeles, Schenck handed him a check for \$250,000.

Now, talking to Huston and Burke nearly four months after those events, aware that they and Mayer were "rather intimate friends," Fox realized he had to make amends.

"I went to the telephone immediately and called up Louis B. Mayer. Whether he knew I was going to call him or not I do not know, but he was right on tap," Fox said. "The call did not take long. I said, 'Louis, the next time you get to New York, I would like to see you.' He said, 'I am taking the next train out.'"

Four days later, Mayer arrived at Fox's home. "Louis went into a tirade and said he resented the amalgamation of these companies, that he would oppose it to the last drop and that he would resort to every legal means at his command."

Go ahead, Fox replied. "I told him that was his right, that if what we were doing was illegal, of course he should resort to his legal rights in the matter. And I invited him to do it. I did not think that was what he was coming from California to tell me, but if that was what he came to tell me, it was all right with me."

Of course, they both knew better. Once Mayer concluded his performance, Fox began his.

Yes, he told Mayer, he had been doing a lot of thinking since their last meeting and he had realized that Mayer was right. It would have been only fair for Mayer, Thalberg, and Rubin to profit from the Loew's stock sale. It was time to correct the error. After all, what did a big number like \$50 million mean anyway? If the price had been \$48 million or \$52 million instead, Fox said, "We

would have paid it just the same." Fox offered to give Mayer, Thalberg, and Rubin a total of \$2 million in cash after completion of the merger.

It was a thinly veiled bribe, and indicating what he expected in return, Fox started to explain his difficulties with the Justice Department. "I know all about that," Mayer said, according to Fox.* "I caused the record to be changed from a consent to a restriction on acquiring these shares. That was a perfectly simple matter for me to do." Fox would later decide that Mayer was just talking through his hat. At the time, though, he believed him—and the idea that someone could so cavalierly change Justice Department records made him feel "rather ashamed of being a citizen of this nation."

Mayer promised to try to change the record back. It would be difficult, he said, but he thought he could do it. He would have to, in order to get his money.

Believing that he and Mayer were now "the best of friends," Fox thought it would be short work to get the Fox-Loew's merger back on track to completion.

Fox's other pressing concern was to get the money to pay off his debts, especially the \$15 million that would be due to AT&T on February 24, 1930, and the \$12 million due to Halsey, Stuart on April 1, 1930. Tension had arisen with those two principal creditors. Within a week after he bought the Loew family's stock, Halsey, Stuart president Harry Stuart came to Fox's office and accused him of having made "a terrific blunder." The 400,000 Loew's shares were no guarantee of control, Stuart argued, because they represented less than one-third of the total shares outstanding. Stuart insisted that Fox had to get a numerical majority of Loew's shares, "or you will be wiped out."

Stuart had cause for worry. During the month leading up to Fox's announcement of the deal, stock market activity in Loew's had been unusually intense. Between February 1 and 28, some 493,000 Loew's shares changed hands, and the price had risen from about \$65 in early January to \$75–\$80 in early March. The trade press

assumed that Fox had been buying heavily in order to have a numerical majority of shares once he acquired the Loew family's stock, but according to Fox, he hadn't been involved. Possibly it had been the Warner brothers, anticipating that they would prevail in the bidding for the Loew family's stock.

Stuart feared that if there weren't already a plot afoot to blockade Fox's control of Loew's, there soon would be. Specifically, he suspected that the Loew family would take the \$40 million Fox had paid them—go-between Nicholas Schenck had received a \$10 million commission—and buy another 400,000 shares in the open market. At prevailing prices, they could do so for \$30–\$32 million. According to Fox, Stuart told him to buy the additional Loew's shares on margin and to put the new shares in other people's names to avoid detection by the Justice Department. A few days later, Otterson also began to pressure Fox to get a 51 percent majority.

Fox didn't want to buy more Loew's stock. He didn't believe there was any threat to his position, especially not from the Loew family. To make sure, he asked them. They assured him that they had no intention of buying more shares and that they intended to stand by the deal. They also promised to make sure that none of their friends bought Loew's stock on their behalf.

Still, Stuart and Otterson did not relent. To maintain good relations, Fox acceded to their wishes. "I stripped the companies of all the cash they had," he said. He also borrowed all the money he could from banks, putting up the newly acquired shares as collateral, and bought on margin from stockbrokers. He stopped buying when, after spending about \$23 million for another 260,900 Loew's shares, he ran out of money. "We probably would have bought a hundred thousand more [shares], but we did not have anything to buy it with any more."

These were the additional shares that piqued the interest of the two young Justice Department agents who visited Fox's office in the late spring or early summer of 1929.

Stuart and Otterson's worry turned out to have been a false alarm. The Loew family kept its word. Fox was able to buy more stock "with little or no competition."

Despite the urgency of antitrust and refinancing matters during the first half of 1929, Fox gave them only partial attention. It was easier to hold a few meetings, assign a few lawyers, throw money at Louis B. Mayer, and believe his troubles would clear, as they always had in the past. Success encouraged that conceit. The first half of 1929 proved the most profitable six months in Fox Film history—due mostly to the introduction of sound, which attracted larger audiences than ever to the movies, and to Fox's increased ownership of theaters, which resulted in more bookings than ever for Fox movies.

During the first half of 1929, aiming to reach total seating capacity of 1 million by the end of the year, Fox kept buying more and more theaters, with still more money he didn't have. His largest acquisition took place in early July 1929, when he agreed to pay \$20 million for a 49.5 percent stock interest in Britain's most important exhibition circuit, the Gaumont chain of more than 300 movie theaters. Gaumont had always been a tough customer for Fox Film, renting less than \$500,000 worth of movies a year, while Fox believed it had the potential to pay ten times as much. Although British law prohibited majority ownership of Gaumont from falling into foreign hands, the proposed new five-member board of directors would be set up to protect Fox. It would include two of Gaumont's former owners, two Fox nominees, and as the swing vote, Lord Lee of Fareham, who, having been a close friend of Theodore Roosevelt, was considered sympathetic to American business interests.

Fox expected the Gaumont shares to pay for themselves within five years through increased film rental income to Fox Film. Still, \$20 million was a lot to pile onto an existing short-term debt burden of \$73 million, resulting from all the Loew's stock purchases. Fox consulted with Stuart and Otterson. Both, he said, strongly encouraged him to buy Gaumont. That made sense. At an 8 percent commission rate, Halsey, Stuart would make more money refinancing a \$93 million debt than a \$73 million debt, and Otterson's ERPI would be guaranteed the \$7.5 million job of installing its Western Electric equipment in Gaumont's three

hundred–plus theaters.* According to Fox, Otterson had already tried and failed to win Gaumont's business on his own. With their backing, Fox went ahead, feeling "perfectly secure and safe." Later, Stuart and Otterson would deny knowing anything about the Gaumont deal beforehand.

During the first half of 1929, Fox also bought the Walter Reade chain of fifteen theaters in New York and New Jersey; the Schine circuit of ninety-eight theaters in upstate New York and Ohio; Seattle's newly built \$1 million Mayflower Theatre, to be renamed the Fox Theatre; and, for \$3 million, Sid Grauman's controlling interest in the Chinese Theatre in Los Angeles.

Topping the Fox circuit, a bookend to New York's Roxy Theatre, the staggeringly ostentatious \$4.65 million San Francisco Fox Theatre opened on June 28, 1929. With five thousand seats, it was the largest movie theater west of New York and the first one anywhere built specifically for sound. The magnificently baroque building, occupying the triangular plot of land bounded by Market, Hayes, and Polk Streets, was stuffed to dizzying excess with Old World–style furniture, paintings, draperies, and other appointments.

Eva Fox had personally supervised the interior decoration. If her taste was not particularly educated or sophisticated, it nevertheless retained the same striver's sincerity that had marked the hodgepodge accumulation of artworks in the Fox home. Everything about the San Francisco Fox appealed for awestruck approval: the Grand Lobby with its fifty-foot-high ceiling, the \$36,000 rose-and-gold carpet, the bronze-and-etched glass chandeliers, and the "Golden Stairs of Enchantment," a huge curved stairway modeled after that of the Paris opera house. Throughout the hallways and salons were a Gobelin tapestry, vases owned by the late Russian czar, a Sèvres urn clock, carved wooden benches, and chairs upholstered in silk damask. Even though Eva's spending sent costs soaring beyond the original \$2 million estimate, Fox didn't restrain her. The San Francisco Fox was to be their shared vision, a "Utopian Symphony of the Beautiful."

On opening night, the studio sponsored a six-hour outdoor celebration with a parade, fireworks, dancing in the streets, and an

outdoor vaudeville show. An estimated fifty thousand to seventy-five thousand spectators turned out. By special train from Los Angeles, Fox Film imported about fifty prominent celebrities: among them were all the major Fox Film stars along with, from other studios, Joan Crawford, Loretta Young, Douglas Fairbanks Jr., Gary Cooper, Louis B. Mayer, Irving Thalberg, and Jack Warner.

No one paid much attention to the fact that William Fox did not attend. By now, he was mostly an abstraction, the mask at the top of the totem pole, awesome and fearsome in his power but, except to a very few, unseen and unknown.

In mid-1929, Fox also started a new company, Grandeur, to develop widescreen technology. Mainly, he wanted to protect movie industry revenues from the looming threat of television. General Electric and its subsidiary RCA had been working on the new medium for several years, and after the first successful electronic broadcast in September 1927, the arrival of small-screen entertainment in American homes seemed imminent. Fox realized that television would do far more damage to the movies than radio had done at the beginning of the decade. To survive, he believed, the movies would have to become more spectacular.

Accordingly, in 1927, he bought the patents to a 70mm, alleged three-dimensional film process from a New Orleans inventor and set Fox-Case engineers to work on refining the technology. When the task proved more difficult than expected, Fox hired George Mitchell, a Nebraska-born, self-taught mechanical genius with a fifth-grade education who had invented the industry's leading 35mm motion picture camera.

"Gee whiz, this thing will never work," Mitchell told Fox after examining the New Orleans inventor's camera. "It's the wrong principle."

"Well, I saw a picture of Niagara Falls and it was beautiful," Fox retorted.

After Mitchell set up a demonstration and explained the flaws, Fox became "madder than the devil" and "bawled the hell out of me for bustin' up his little dream," Mitchell recalled. "The dream was no good, but he was sore because I had destroyed it. Then he asked me could I make a 70mm camera, and I said, 'Sure I could.' So I made one, then two."

Fox decided to buy the Mitchell Camera Company. Now all he needed was a high-quality projector. For that, he turned to Harley L. Clarke, a Chicago utilities magnate who had recently entered the motion picture equipment business. A short, stocky figure in his late forties, Clarke owned a controlling interest in the International Projector Company, which manufactured more than 75 percent of all movie projectors used worldwide. The two had met in 1928, when Clarke, hoping to solicit business, showed up at Fox's office with a letter of introduction from their mutual banker, Harry Stuart.

"Don't trust him further than you can see. He will make every kind of promise and do nothing," Stuart warned Fox soon afterward, explaining that he had written his letter of introduction only because Clarke had asked for it and because he felt he could not refuse such a request from a client.

But Clarke seemed to have the Midas touch. An engineering studies dropout from the University of Michigan, he had acquired a small utility property in Vincennes, Indiana, and used that as the basis to form the Utilities Power and Light Corporation, a holding company that grew to include electricity and gas providers in midwestern, southern, and eastern states and in Great Britain. By February 1929, Utilities Power and Light had total assets of \$400 million. Most of the financiers who did business with Clarke, Fox noticed, made a lot of money. Fox decided that Clarke was "a fine, decent sort of chap."

At first, Fox hired Clarke simply to build a Grandeur projector on a cost-plus basis. Then, midway through, Clarke proposed that they go into business together. Fox couldn't resist. On May 24, 1929, with each owning 50 percent of the company, they formed Grandeur, Inc., to manufacture and market widescreen equipment.

Clarke's true nature soon surfaced. The day after Grandeur's inception, he wrote to Fox to confirm that he was negotiating to buy Mitchell Camera for their benefit on a fifty-fifty basis. That was

a lie. On June 6, although Fox provided \$50,000 as half of the initial payment for the company, Clarke bought Mitchell Camera for himself. Fox discovered this fact several weeks later. He also learned that Clarke had acquired, also for himself, four projector-lamp manufacturing companies. It was Fox who had told Clarke about the four companies and had explained their importance. They were the only U.S. companies licensed to make projector lamps, which were an essential component of motion picture projectors. Fox had told Clarke that he intended to buy the companies himself.

A heated argument ensued, but neither man gave in completely. Instead, Clarke consented to turn Mitchell Camera over to Grandeur at the price he'd paid—his usual practice was to add a hefty markup—while Fox agreed to let Clarke keep the four lamp companies. Clarke also paid Fox \$2 million, to be used by Fox to buy half of the Grandeur company's stock. Despite Clarke's deceit, Fox went forward, signing a contract on June 24, 1929, for Fox Theatres to buy a large number of Grandeur projectors.

Fox also looked the other way as Clarke set up a new holding company, General Theatres Equipment (GTE), on July 11, 1929, for all his motion picture enterprises. Rather than follow the traditional method of pricing the company's stock based on the physical asset, or "book value," of the component companies, Clarke used the speculative value, also known as the "nominal value." That is, he stated GTE's worth on the basis of its future earning power—or, more accurately, what he hoped he could persuade investors would be the future earning power. This highly dubious practice, commonly known as stock watering, resulted in component companies that altogether had a book value of \$4.76 million being represented by GTE as worth about \$43.05 million. To conceal the true financial picture from the public, GTE's advertising circular did not include a consolidated balance sheet, a listing of assets and liabilities that was generally considered an essential document for prospective investors.

Clarke named himself president of GTE and vested control of the company in three voting trust certificates. He owned one of them. Two of his bankers held the others. Bankers also made up GTE's eleven-member board of directors. In other words, not only was GTE not worth anywhere near what it was purported to be worth, but also it was to be led by people who had no hands-on experience in the motion picture industry.

Assisted by Chase Bank chairman Albert Wiggin and the Halsey, Stuart firm, Clarke then hoodwinked the public into buying GTE shares. Through a highly profitable reselling scheme, networks of bankers and brokers quickly worked the share price up from \$20 to \$65. Fox thought the GTE shares had an intrinsic value of no more than \$1, and that the company was "nothing more or less than a bag of wind."

Fox didn't protest. He believed that widescreen technology would prove just as revolutionary as sound and, aware that other companies were developing their own systems, he wanted to get there first with Grandeur.

It was too much for one person to handle alone, too many directions to watch over all at once. Bound by the habits of a lifetime, Fox would not relinquish any degree of control. Overextended, he made bad decisions about important relationships.

His partnership with Harley Clarke wasn't Fox's only ill-considered alliance. In early May 1929, he agreed to join the board of directors of the newly formed Ungerleider Financial Corporation (UFC), an investment trust that started with cash capital of \$25 million and planned to expand up to at least \$750 million. Investment trusts were a sort of early version of mutual funds, set up with professionals trading in securities on behalf of individual investors. In the late 1920s, they often operated as glorified pyramid schemes, using borrowed money to invest in other investment trusts and thus inflating market value far beyond asset value. Although Fox's fellow UFC directors included such respectable names as General Motors founder William C. Durant and the treasurer of Loew's, Inc., David Bernstein, Ungerleider himself was a dubious character. A former saloon owner in

Bridgeport, Ohio who had closed that business in May 1919, just before enactment of the state's prohibition law,* he then took up work as a stockbroker and, holding a margin account for President Harding, became involved in the Teapot Dome scandal.

After only three weeks, Fox resigned from the UFC directorship. He didn't publicly disclose his reasons, but probably he saw what investigators would learn later: Ungerleider's methods included bribing government officials such as New York City mayor Jimmy Walker and federal judge Martin T. Manton for inside information and actions favorable to his investments.

That was a relationship Fox was well rid of. Not so wise was his abrupt alienation of Samuel "Roxy" Rothafel, the manager and impresario of his flagship 5,920-seat Roxy Theatre. Granted, the pompous and manipulative Rothafel was not easy to like up close. Since Fox bought the Roxy in March 1927, the two had clashed frequently—Fox believed that Rothafel was spending too freely so that the theater was not as profitable as it might be, while Rothafel criticism of his otherwise widely chafed under showmanship. By the spring of 1929, Fox and Rothafel no longer spoke directly, not even by phone, but instead communicated through Fox Film's East Coast head of publicity, Glendon Allvine, who shuttled back and forth between Rothafel's office at the Roxy and Fox's at 850 Tenth Avenue. Then, in early April 1929, Rothafel broke the silence and, over lunch, asked Fox to build him an 8,000seat theater. He had already picked out the site, a 305-by-200-foot strip of land next to the Roxy Theatre, in the block bounded by Sixth and Seventh Avenues and Fiftieth and Fifty-First Streets. It was the only available property in the Theater District large enough for a "super theater." They would make millions, Rothafel said. Fox listened calmly. By 3:00 p.m. that day, he had bought the land for \$3 million.

Fox's outward compliance masked his true response. He was incensed that, as he saw it, Rothafel intended to betray the Roxy Theatre's "poor stockholders"—the "servant girls, barbers, bootblacks, truck drivers, bookkeepers and many others of similar occupation" who had listened trustingly to Rothafel's radio program

and, on his say-so, had bought \$5 million in Roxy Theatre stock. Fox knew that their investment would be wiped out if a new, larger theater opened next door. After buying the land, Fox told Rothafel that if someday the times justified it, perhaps he would build a larger theater—but only as a joint enterprise with the Roxy Theatre, so that the existing stockholders would be fully protected.

Then he punished Rothafel. Summoning Allvine into his office, Fox ordered, "Tell that bastard who calls himself a major that if he isn't out of his office within twenty-four hours I will send Major Zanft over to throw him out of the theater."

John Zanft was Fox Theatres' general manager. Actually, neither he nor Rothafel had ever been an active-duty major. Rothafel had served for seven years in the U.S. Marine Corps, rising to the rank of corporal, and in 1925 he had been sworn in as a major in the Marine Reserve, a position with almost no responsibility. Zanft was merely an honorary major, so named because of his patriotic work in the entertainment industry during the world war.

"Delivering this message was the saddest and most embarrassing chore that I executed for either Fox or Sheehan," Allvine would recall. "I sensed Roxy's emotional turmoil as he paced his monogrammed rug, woven just for him, past the Arthurian mantelpiece with its mementos of esteem from those who loved him, as he realized that all the grandeur he had created was now to fall into the hands of such barbarians as Zanft and Fox." In short order, Fox took over Rothafel's office for himself.

Around the time of the Rothafel contretemps, the Metropolitan Theatres deal, involving the purchase of some 175 to 200 independent New York area theaters, nearly fell apart from neglect. The process was more complicated than Fox had anticipated. Many of the theaters did not have clear titles and were burdened with mortgages, liens, back taxes, and various attachments. In some cases, auditors' reports showed that owners had overstated earnings and property values. Fox didn't have the time to renegotiate. As of April 1, 1929, three or four months after making the deals, he had

taken title to and paid for only five of the independent theaters.

This was no small inconvenience for the owners of all the other properties involved in the Metropolitan Theatres deal: during the interval, they'd been unable to sign contracts to book new movies or to retrofit their theaters with sound equipment. On April 1, 1929, the owners of two theaters in Queens and one in Brooklyn sued Fox for \$1.8 million in New York State Supreme Court, alleging breach of contract. According to Samuel Schwartz and Herbert Muller, Fox had persuaded them in December 1928 to postpone the closing of their leases until March 22, 1929, and then on that date refused to make the payments and began to ignore their sale agreement. Schwartz and Muller believed that Fox had never been serious about buying their properties but had merely used them as bait in the Loew's negotiations—that is, in order to induce the Loew family to sell their shares to him, Fox had assembled the appearance of a strong competitive circuit in New York, and then, after he got the Loew's shares, he lost all interest in buying the independents.

Schwartz and Muller were wrong about Fox's intentions. He really did want the New York independent theaters. Days after the lawsuit filing, he and two associates were seen as they "clambered over balconies and through orchestras on an inspection tour" of about 150 of the independent theaters. He then began to complete the deals.

Instead of delegating authority to manage the situation amicably, Fox slammed his fist down harder on the table. In the summer of 1929, all the managers of the Metropolitan Theatres division were fired and told they could reapply for their jobs. Those who were rehired had to take a substantial reduction in salary and were assigned to theaters other than those they had previously managed. One person was in charge here. Let no one forget that.

Worst of all, during the months following his purchase of the Loew family's stock, Fox heedlessly antagonized his two main creditors, Harry Stuart and John Otterson. Having loaned Fox \$12 million, Stuart believed that his firm, Halsey, Stuart, was entitled to handle

the entire refinancing for the planned Fox-Loew's merger. At an 8 percent commission rate on debt that ballooned to \$93 million after the Gaumont theaters purchase, the fee at stake was \$7.4 million. Without consulting Stuart, Fox gave a piece of the deal away to one of Halsey, Stuart's rivals.

He thought he had to. In the spring of 1929, two partners from Dillon Read and Company, the previous banking firm for Loew's, Inc., came to see Fox to complain about having been shut out from the sale of the Loew family's 400,000 shares. Not that they were making any threats, one of the men said. They simply thought Fox ought to know. Also, some Loew's stockholders—*many*, actually, including the Dillon, Read firm—who hadn't been given the chance to sell their shares at \$125 were planning to sue Fox and hold up the Fox-Loew's merger.

"That I had not anticipated," Fox said. He offered to let Dillon, Read handle a share of the merger refinancing and make up their profits that way. In exchange, the Dillon, Read partners agreed not to cause trouble. In the small world of high finance, the news must have traveled quickly to Stuart, who was already irked that Fox still hadn't written the letter he'd agreed to write in the summer of 1928 promising Halsey, Stuart an extra \$1 million for past services.

ERPI president Otterson, too, was unnerved by Fox's apparently ungrateful behavior. Otterson had been in Europe in late February 1929 when his boss, Western Electric president Edgar Bloom, finalized AT&T's \$15 million loan to Fox. Upon learning that Fox had not surrendered his Tri-Ergon sound-on-film patent rights as part of the deal, Otterson became alarmed. On March 7, 1929, he cabled back to the home office that he feared Fox was planning to develop the Tri-Ergon patents independently and challenge Western Electric's near monopoly on motion picture sound equipment. As yet, Otterson's worry was hypothetical: Fox hadn't yet received official validation of the patents. Nonetheless, to forestall trouble, the following month Otterson visited Fox Hall.

How much did he want for his Tri-Ergon patent rights, Otterson asked. Ten million, Fox said. Otterson offered \$5 million in cash. Fox said he would think about it.

Fox sought advice from no greater authority than his brother-inlaw and Fox Film vice president Jack Leo. Considered by Fox relatives to be a know-it-all who actually knew very little at all, Leo had sat in on the meeting with Otterson and "violently objected" to the sale. According to Leo's reasoning, if the Tri-Ergon patents were basic, controlling patents, then \$5 million was inadequate, but if they weren't basic, controlling patents, then why was the telephone company offering Fox \$5 million?

The matter wasn't really that simple. While it was true that ERPI used the flywheel mechanism in the equipment it was selling, other sound-on-film technologies had been invented to circumvent the flywheel. If Fox's price were too high, ERPI might look for some other means of achieving the same effect. Alternately, ERPI might just plow ahead and ignore Fox's claim. It was one thing to own patent rights, quite another to collect on them—as Fox might well have remembered from the industry's early days, when film producers widely flouted royalty demands from the Motion Picture Patents Company.

Fox listened to Leo, and several days later he rejected Otterson's \$5 million offer.

On May 21, 1929, Otterson's fears intensified when the U.S. Patent Office granted Tri-Ergon a patent for the flywheel component of sound-on-film technology. Used in both sound movie cameras and projectors, the flywheel advanced the film at a uniform speed and ensured sound fidelity.

With both Stuart and Otterson, Fox believed he was justifiably defending his own interests. He didn't consider the resentment he might be arousing in these two creditors. Insulated from anyone who might have pointed out the broader perspective, Fox chose to believe that he, Stuart, and Otterson were all good friends and that they wanted him to rule the motion picture industry just as much as he did.

Many viewed the cyclonic force that drove Fox as insatiable, self-seeking ambition. Journalist Allene Talmey, in a July 1929 profile

of Fox evidently written without his cooperation, described him as tormented by "his relentless lust for power." According to Talmey, "It is absurd to say that he is conceited. It is too puny a word. Megalomania afflicted with elephantiasis, that is the state of his self-esteem."

Extraordinary ambition Fox certainly had, but Talmey's conclusion that he found a perverse thrill as a snarling, "slashing master" missed the mark. By his own account, Fox didn't enjoy the intense, unceasing pressure of his life. It was a mistake, he said, to think of the empire builder as selfish: "He is not making it easier for himself, but harder. He would be more happy and contented if his ambitions did not run so high. He is not getting anything out of it; in fact, he is giving out of himself every time he enlarges that plant."

Fox's desire to rule the motion picture industry seems better understood as a picture of the prison of the past. The desperate, desolate circumstances of his childhood had forged an iron will to escape, to transcend the realm of constant struggle, and that will had been reinforced every time opposition compelled him to decide whether to give up or go on. So close to realizing his dream, he could no more stop to relax than he could walk back to the beginning and start over.

Fate

I think the thing that plays the greatest pranks in our lives is Fate.

---WILLIAM FOX

Around 10 a.m. on Wednesday, July 17, 1929, Fox set out from

Fox Hall for the Lake View Country Club in Great Neck, Long Island, where he planned to meet with Paramount head Adolph Zukor. Now that Louis B. Mayer had agreed to undo the damage he claimed to have done, Fox and Zukor were going to resolve what Fox believed was the last remaining obstacle to the Justice Department's approval of the proposed Fox-Loew's merger: the sweetheart deal between Paramount and Loew's, whereby each company favored the other over the rest of the studios when booking movies for its theaters. The arrangement, which had originated in the 1920 marriage of Zukor's daughter, Mildred, to Marcus Loew's son Arthur, was a roadblock because it established a financial tie between Loew's and Fox on the one hand and Paramount on the other. If these three huge companies cooperated rather than competed, they might demolish the rest of the industry.

Zukor had tentatively agreed to abrogate the preferential contract with Loew's—as long as Fox didn't interfere with Paramount's planned merger with Warner Bros. The two giants would then rule the industry together. That suited Fox. Fox-Loew's

would be a little larger than Paramount–Warner Bros. and the race to the top would end.

To buffer any tension with Fox, Zukor was bringing along fifty-year-old actor Thomas Meighan, Paramount's top male star, whom Zukor considered a personal good luck charm, and Loew's president Nicholas M. Schenck, who had brokered the Loew family's stock sale to Fox. As his aide-de-camp, Fox had enlisted his Fox Hall next-door-neighbor, Jacob L. Rubinstein, secretary and treasurer of the Namquit Worsted Company. Rubinstein had more than a sporting interest in the outing: he owned 10,000 Class A shares of Fox Theatres stock.

The day was sunny and clear, with little traffic as Fox's chauffeur drove Fox's green Rolls-Royce west on the lonely, rural Old Westbury Road. "Fear?" Rolls-Royce advertised in 1929. "The thought never enters your head. You instinctively sense that this car is *safe*." With Rubinstein beside him on the backseat, Fox drifted off into thought. "I was dreaming of the perfect conclusion. Life had just begun. This was to be the greatest stepping stone of my career."

Around 10:50 a.m., as the Fox car passed by the blinking traffic beacon, a small Chrysler sedan tooted its horn twice and then hurtled out from the thickly wooded, high-banked intersection of Roslyn Road.

Fox's chauffeur saw the other car and swerved away sharply. It was a bad decision. The sudden jerk of the steering wheel destabilized the Rolls-Royce, so that when the Chrysler dealt merely a glancing blow to the rear wheel, the large luxury car spun around 180 degrees. Then it soared into the air and smashed down on its left side in a ditch.

Fox's driver, thirty-six-year-old Joseph W. Boyes, was killed instantly when the Rolls-Royce landed on top of him and crushed his skull. He wasn't Fox's regular driver. He had been filling in for his brother, who had taken the day off.

Pitched forward by the collision, Fox and Rubinstein tumbled about violently in the backseat while the windscreen surrounding the tonneau completely broke apart—shatterproof glass was not yet standard in cars—and shards of glass slashed Fox severely about the

face and cut a deep gash in his head. Covered in blood, he crawled out and saw that Boyes was dead.

Fox would recall, "I got up and shook one leg after the other to see that nothing was broken, and then my left arm, and finally I swung my right arm and found it too was all right. Then I said, 'Okay, if I get over this, I will still be able to play golf.'" Rubinstein suffered only minor injuries: a sprained knee, some bruises, and superficial cuts.

About twenty feet away, the Chrysler remained upright, with hardly a scratch. None of its occupants—not the driver, thirty-six-year-old Dorothy Kane of Manhattan, nor either of her two sisters, nor the dog riding with them—was hurt.

The Kane women urged Fox and Rubinstein into their car to go to the hospital, but the Chrysler wouldn't start. The three sisters started crying hysterically.

Stunned, Fox could only wait by the roadside for someone to come along and help.

Within minutes, Glen Cove, Long Island, lawyer Reginald Moore stopped at the scene, followed by several other motorists. After the men jacked up the Rolls-Royce and removed Boyes's mangled corpse, Moore drove Fox and Rubinstein, holding handkerchiefs to their wounds, the five-mile distance to Nassau Hospital.

Somehow, Adolph Zukor learned about the accident before Eva, and although he had never met her before, he went to Fox Hall to deliver the bad news and take her to the hospital.

Fox's injuries were much more serious than he realized. Initially, doctors told reporters that he had fractured his skull and was suffering from a severe hemorrhage. Chief attending physician Dr. Wilfred M. Post said, "I am certain that he is badly hurt... critically hurt."

A rumor circulated that Fox had died. Fox Film's share price immediately fell from 92% to 87.

That could not continue. As weak as he was, Fox took control and had his bankers throw buy orders into the market during the afternoon to stop the slide. Fox Film's share price turned around and ended the day at 88¼, off only 2¾ points from the previous day's close. A decline in Fox Theatres was also stemmed.

Simultaneously, the Fox publicity machine roared into action. The press had zeroed in on the story, with some New York daily newspapers putting out extra editions. Fox directed an employee to tell the Associated Press that he had suffered only a slight abrasion of the scalp and would be out of the hospital in two days. Fox Films head of sales, James R. Grainger, fired off a telegram to all the branch offices: "Mr. William Fox not seriously injured. I have just talked to him in person."

Allegedly, although Fox had been ready to leave the hospital right after his wounds were dressed, he had agreed to stay for observation to placate the doctors. Allegedly, he was conducting business from his hospital room, taking calls from the West Coast studio, and receiving a steady parade of visitors. In midafternoon, as reporters crowded the porch outside the hospital, Fox joked, "Does a bricklayer get all of this attention, too?"

Eva played along. Getting into her car around 10:00 p.m. on Wednesday to leave the hospital, she commented, "He seems to have suffered chiefly from shock and needs quiet more than anything else."

That night, Fox required a transfusion of one pint of blood. By now, all the hospital personnel had been brought into line. Chief attending physician Post told reporters that the transfusion had been given not because of "unfavorable symptoms," but only as a "safeguard," and that "Mr. Fox laughed and talked all through the operation." On Thursday morning, Dr. Post reported that Fox had awoken full of energy and after a light breakfast, immediately asked to see his mail. Contradicting his previous statements, the doctor now said there was no evidence of a skull fracture or brain injury.

In fact, Fox's condition was dire and remained so. On Sunday night, July 21, he ran such a high fever that his doctor suspected brain damage. Zukor, who stayed by the side of the potential grieving widow, suggested that Eva call in a brain specialist to do tests. Eva, knowing her husband well enough, refused. If he had

suffered brain damage, there would be no remedy, and if such information became public, the Fox companies would almost certainly suffer. It was better not to know.

Word slipped out—perhaps true, perhaps not—that Fox had suffered a severe heart attack on Sunday night. By Monday morning, however, his fever had cleared and no brain specialist was ever consulted. If he had sustained a brain injury, he didn't know about it.

One person whose name was not on the approved visitors' list was Fox's father. If anyone could have single-handedly sent Fox over the edge just by standing at his bedside, it would have been the frail, seventy-one-year-old Michael Fox. Evidently, no one even told him about his son's accident. He had gone on vacation to upstate New York.

Oddly, two days after Fox's car crash, his father also ended up in a hospital as a result of a traffic collision. Michael had just checked into the Rose Garden Hotel in Catskill, New York, and feeling ill, called for an ambulance to take him to the nearby Red Cross Hospital. En route, the ambulance was sideswiped by a truck. Although Michael was not seriously injured, Eva would not allow her husband to hear about the incident. Once again, his birth family was causing trouble. Her job was to protect him from such agitation.

Had the Rolls-Royce been speeding? Fox said no. The Chrysler's driver, Dorothy Kane, said yes. That was the reason, she told police, that she hadn't seen Fox's car until it loomed up right in front of her. Some speculated that chauffeur Boyes, not wanting to make a bad impression while substituting for his brother, had been intimidated by Fox into pressing down harder on the gas pedal. On the other hand, Kane had been driving without a license. That wasn't as bad as it sounded. She'd had a license but had neglected to renew it when it expired sixteen days before the accident because she was out of town. Unlicensed driving wasn't unusual at the time.

New York State hadn't started requiring driver's licenses until 1924, and many people like Kane, who had been driving for fourteen years, didn't pay strict attention to the new law.

In the end, all that was clear was that no one had intended harm and everyone had suffered too much already. Certainly no one was going to blame the dead chauffeur, Boyes. Dorothy Kane received only a suspended sentence for driving without a license. Officially, the Nassau County district attorney ruled that the accident had been completely unavoidable—an act of fate that a few seconds' difference either way might have changed.

Fox remained in Nassau Hospital for ten days. It was a task that strained credibility, but everyone around him kept insisting that he was recovering well and would return to work soon. Prying eyes could get no information to the contrary. After the first day's display of vigor, Fox's visitor list was winnowed down to only Eva, his sisters Tina and Bessie, Zukor, and a few high-ranking Fox employees. To fend off interlopers, a policeman was stationed outside Fox's door.

Zukor, known as the "icicle tactician," visited every day until Fox was discharged on Saturday, July 27. Then, Fox said, "I never again heard from Zukor by telephone, mail, or otherwise. Once I was safely out of the hospital, I was of no further interest to him." Evidently, Zukor had hoped to be first in line to get the Fox companies in the unfortunate event of Fox's demise.

Leaving Nassau Hospital with Eva and her brother Jack Leo, Fox seemed back in command. After thanking the staff for their kindness, he left checks for the nurses and attendants; for Reginald Moore, the lawyer who had driven him to the hospital; and for stage actor J. Carrol Naish, who had donated blood for his transfusion. (Naish would also receive a Fox Film contract in Hollywood later in the year.) He showed no sign of discomfort and had no bandages, only a piece of court plaster on his head.

He was fully recovered, Dr. Post said. That was another lie. The truth was too terrible to admit.

Recovery

The past is behind me, the future before, and it is to the future I look.

-WILLIAM FOX, OCTOBER 12, 1929

I was wrecked," Fox later admitted, describing his health upon returning from Nassau Hospital to Fox Hall on July 28, 1929. It would be three months before he felt well enough to return to his office in New York.

During his convalescence, he lived not in the main house but in the boathouse overlooking Woodmere Bay. An incapacitated William Fox was not a William Fox suitable for display, not even to the closest members of his family. Although on August 12, 1929, he played a full round of golf at the Woodmere Club, adjacent to Fox Hall, and allegedly shot a hole-in-one on the 150-yard seventeenth hole, that was a carefully staged performance—and the subject of a widely disseminated press release. Afterward, he returned to seclusion.

Publicly, no one knew Fox was away from his office. His previous reclusiveness now served him well. Few people outside the Fox companies' upper ranks ever saw him anyway, so there was very little to miss—and nothing, at least at first, that a publicity smokescreen couldn't cover. During the late summer and early fall of 1929, as the press reported vigorous activity at Fox Film and Fox

Theatres, it was natural to assume that Fox was orchestrating it all.

Throughout the summer and early fall, Fox movies continued their surge toward a record year's income. That August, *The Cock-Eyed World*, the lighthearted sequel to Fox's 1926 antiwar hit *What Price Glory*, grossed \$700,000 during its first four weeks at the Roxy Theatre and went on to become a nationwide sensation. Other Fox crowd-pleasers included *Lucky Star*,* Frank Borzage's third tearjerker romance starring Janet Gaynor and Charles Farrell; the musicals *Words and Music* and *Why Leave Home?*, and the vaudeville love story *Big Time*. It helped that Fox modified his radical "all talking pictures" policy by deciding to release silent versions of the studio's most successful sound pictures. The adjustment was essential: as of late July 1929, only about 40 percent of U.S. movie theaters had yet installed sound equipment, and much of it didn't work properly.

On Tuesday, September 17, 1929, Fox's 70mm widescreen process, Grandeur, debuted at the Gaiety Theatre in New York. The system wasn't really ready for unveiling. The advertised threedimensional effect didn't work well, and the featured attraction, a Grandeur version of The William Fox Movietone Follies of 1929, was stale because the movie had been released in regular 35mm format four months earlier. The machinery wasn't even available for sale yet. The only Grandeur projectors in existence (the three installed at the Gaiety, at a total cost of \$150,000, plus \$5,000 for the special screen) were prototypes that would have to be broken up and cast in molds to enable mass production. Yet even with marketing at least a year away, many believed that the motion picture industry wasn't ready for widescreen. Days before the Grandeur premiere, Adolph Zukor and RCA's David Sarnoff visited Fox to urge him to call off the event. It was too soon for another technology upheaval, they argued. The industry was just catching its breath from the transition to sound, and now Fox wanted to upset it again.

Fox disregarded such concerns. Having allowed Warner Bros. to preempt him with sound two years earlier, he had to be first with widescreen. And more or less he was first. Widescreen film had previously been shown to the press, but never before had it and sound been combined in a public demonstration. Although Fox was too ill to attend the premiere and see for himself, he got the response he wanted. Grandeur's technological achievement alone was stunning—a screen that filled the proscenium arch from side to side with images twice the usual width—and if the feature film didn't fully deliver on the potential, a series of widescreen Movietone newsreel segments did. That was good enough. Bursts of excited applause greeted scenes of the "rushing waters and spray" of Niagara Falls; the "splendidly clear" faces of tennis stars Bill Tilden and Francis Hunter as they competed in a championship final; West Point cadets drilling on a parade ground; the Leviathan ocean liner gliding into New York Bay toward Manhattan skyscrapers; and, because all possible Fox productions had to have a child and an animal, a little girl and her father on a Long Island duck farm. The show sold out every performance during opening week, and critics assessed Grandeur as "perfection" and a "truly marvelous new cinematic idea."*

During the late summer and early fall of 1929, Fox Theatres also feverishly gained new ground. Despite \$93 million in debt from the Loew's and Gaumont shares purchases, Fox continued to buy every independent theater chain he could find. It seemed to make sense. Fox Theaters was now locked in a fierce war with Paramount's Publix theater chain to dominate U.S. exhibition, and far more than pride of place was at stake. The major studios derived about 85 percent of their revenue from their theater circuits, and more theaters meant more film rental fees, wider access to audiences, and lower expenses involved in selling to nonaffiliated exhibitors. No one, neither Fox nor Zukor nor any of their lesser competitors, worried about finding the money to pay for theater acquisitions. The stock market was still rampaging forward. From June 1 through August 31, 1929, the leading index of the era, the Times Industrials, rose almost every day to achieve an overall gain of 110 points, outpacing the entire year of 1928, which had registered a gain of 86.5 points. Everyone, except for a few scorned voices crying in the wilderness, considered national prosperity endless.

Disregarding the growing body of evidence that supported the

doomsayers' warnings, Fox bid whatever he had to in order to get theater deals away from rivals. From August through early October 1929, he bought more than a hundred theaters in the West, Midwest, and South, spending at least \$5 million, and announced plans to build fifteen theaters throughout Arizona, a Publix stronghold. He revived his on-again, off-again project for a \$5 million "super theater" at Seventeenth and Market Streets in Philadelphia. In Europe, he was negotiating to buy into UFA's theater circuit in Germany, the Swedish theater chain Biograf, and the Emelka theater chain in Germany and Central Europe.

Those activities were a skewed mirror, all either initiatives previously set in motion or the result of thoroughly ingrained habits that could almost run on their own. Confronting new situations, Fox's thinking faltered. Possibly he had sustained brain damage—the truth would never be known because he never consulted a specialist*—or possibly the demands of recovery drained all higher-level energy. In any case, his greatest strength, his monomaniacal self-reliance, now became his greatest weakness. Neither could he ask for help; nor did he have anyone to ask. He had chosen his board members and senior executives for their willingness to defer, not their ability to think independently. "I couldn't rely on their judgment," he said later. "This all fell on my shoulders."

Alone at the top, he dug in hard to prove himself still in command. Situations that called for flexibility and diplomacy got stubbornness and arrogance. People who wisely would have been courted weren't. Prime among them was ERPI president John Otterson, who arrived at Fox Hall on August 1, 1929, five days after Fox returned home from the hospital. Highly agitated, Otterson had two urgent matters on his mind. First, his parent company, AT&T, had received a letter from Fox alleging that the sound-on-film equipment being marketed by ERPI infringed on Fox's Tri-Ergon flywheel patent. Fox denied knowing anything about the letter and blamed his lawyers for having sent it on their own initiative. However, rather than apologize—and he might well have

remembered that the due date for AT&T's \$15 million loan was now less than seven months away—Fox commented that if the phone company were infringing on the patents, then he should have every right to complain.

To resolve the matter, Otterson again tried to buy the Tri-Ergon patent rights. Four months earlier he had offered \$5 million, but Fox had wanted \$10 million. Otterson now agreed to pay the \$10 million. No, Fox said, the current price tag was \$25 million. That was impossible, and surely Fox knew it.

Otterson's second concern, which had him in a state of near panic, was the patent rights situation in Europe. Having more or less conquered the U.S. market for theater sound equipment, Western Electric was trying to extend its monopoly internationally. In Germany, that effort had encountered a major roadblock. Because Otterson had insisted that Fox buy only the North American Tri-Ergon rights, the German rights had fallen into the hands of Tobis-Klangfilm, a powerful alliance of two German companies. On July 20, 1929, the Prussian Court of Appeal had affirmed the validity of the Tri-Ergon patents in sound-on-film technology, ruling that Western Electric's sound-on-film technology constituted an infringement. That decision blocked Western Electric from selling its sound-on-film equipment in Germany and gave Tobis-Klangfilm a monopoly there, with implied patent rights for the rest of continental Europe. The ruling was final; there was no higher court of appeal. Because of Otterson's bad judgment, Western Electric now stood to lose countless millions of dollars in business in Europe, where most movie theaters had not yet converted to sound.

To minimize the fiasco, Otterson needed Fox's help. He was about to return to Europe to propose a rights-sharing agreement. This would allow European film producers to exhibit their sound movies, made with Tobis-Klangfilm equipment, royalty-free in the United States while U.S. film producers using Western Electric equipment would receive reciprocal privileges in Europe. Because Fox owned the North American rights to the Tri-Ergon patents, he would have to agree not to charge royalties in the United States.

He refused. There was nothing in it for him, he said. Angrily, Otterson pointed out that Fox had already received the benefit—AT&T's \$15 million loan in February toward the Loew's stock purchase and help in getting another \$3 million loan from banks. Fox still refused.

Exasperated, Otterson left Fox Hall with a warning. If Fox was going to stray beyond the motion picture field and create a patents company, then AT&T might also jump over the fence and go into film production. The following day, Otterson backtracked a few steps, offering Fox a chance at reconciliation. In a letter, Otterson urged, "[W]on't you please consider the ethical situation involved and further, your whole relationship with us and determine whether this consideration modifies in any way the position which you outlined to me yesterday?"

No, he wouldn't. Fox scoffed at the notion of the stodgy phone company going into the entertainment business. He offered no concession at all.

By now, Otterson wasn't surprised. On the day he wrote to Fox, he also cabled ERPI's European manager, H. G. Knox, alerting him to prepare to switch loyalties to Paramount. Otterson advised, "Impression created . . . is that if Fox becomes powerful enough he will take position independent and possibly competitive with us. We are following policy of maintaining very friendly relationship with Paramount with view to obtaining their support in all emergencies." Still, the door wasn't completely closed. Otterson instructed Knox not to oppose Fox actively and to maintain an outwardly "friendly, cooperative" tone.

Oblivious to the looming danger, isolated from the voices of reason he might have heard had he been going to the office every day, Fox made another diplomatic blunder. He arranged for 4 Devils, F. W. Murnau's follow-up to Sunrise, to be shown in Germany's large, government-subsidized UFA circuit, beginning on August 27, 1929. UFA theaters used Klangfilm equipment. So far, all the major U.S. studios had backed up Otterson by refusing to book their sound movies into German theaters until the patents dispute was resolved. By breaking the boycott, Fox would almost

certainly provoke other producers to follow.

"You are thus put in the position of leading the move to weaken and break down our situation in Germany," Otterson cabled Fox from Paris. Pleading for only "a very short time" to conclude the negotiations, Otterson warned, "If UFA opens with *Four Devils* at this time . . . we are hopelessly beaten and . . . our initial action must obviously be against you."

Fox did defer the opening of *4 Devils* until November 1929, but in the meantime, he created another major problem. In early October he announced plans to enter the home talking pictures equipment market. Soon, he said, the Fox organization would begin selling 16mm projectors on the installment plan and would establish film rental libraries throughout the country so the average person could watch movies at home. This directly threatened the delicate balance that AT&T had established with RCA. So that RCA would back off from marketing its Photophone sound-on-film equipment to theaters, AT&T had given it exclusive rights to the home talking pictures market. If RCA were to lose its consolation prize, it would have no reason not to go back and compete with Western Electric for theater installations.

Fox had no idea how angry he was making Otterson. He thought they still had a good relationship.

He also recklessly insulted his other major creditor, Harry Stuart. In late August 1929, when Stuart visited him at Fox Hall, Fox thought the meeting was mainly social, undertaken by Stuart as "a token of his esteem," and he saw himself as responding magnanimously. After all, he had finally signed the letter promising Halsey, Stuart the special \$1 million payment for past services. He also assured Stuart that a refinancing deal was imminent, because as soon as he could meet with Adolph Zukor—as he had planned to on the day of the car accident—the last obstacle to the Justice Department's approval of a Fox-Loew's merger would be removed. Stuart was, Fox thought, "very friendly."

In fact, Harry Stuart was disgusted. From his point of view, Fox had conceded almost nothing. Because of Fox's prolonged stalling—more than a year's worth—Stuart had had to draft the \$1 million

letter himself, and Fox had given himself another year, until September 1, 1930, to pay. As for the refinancing issue, Fox had refused to discuss specifics and had taken the opportunity to remind Stuart that he considered Halsey, Stuart not yet important enough to handle all the Fox companies' business. For some time, Fox had been pecking at Stuart to expand by starting an investment trust. Stuart had tried to ignore him, but now Fox appeared to make that a condition of their continued relationship. It was a matter of pride: Fox wanted his bankers to be among the largest firms on Wall Street. Stuart would later say that their friendship ended permanently at that meeting.

No wonder. During the next six weeks, Stuart begrudgingly created an investment trust, the Corporation Securities Company. It was a terrible idea, not only because most investment trusts during the late 1920s were full of hot air, with their securities priced far above the value of their assets, but also because Stuart had hastily stuffed Corporation Securities full of the financially unstable Insull utility stocks. On October 17, 1929, Halsey, Stuart sent Fox a letter inviting him to buy into the Corporation Securities Co. stock offering. Alarmed that the new company was to be run by various members of the Insull and Stuart families and that it appeared to have only "the merest chance" of enriching anyone except them, Fox refused to buy any shares.*

No one close to him was fooled by Fox's attempted show of strength. Mutinous impulses stirred. In early August 1929 his Grandeur, Inc. partner, Harley Clarke, called on him at Fox Hall and genially offered to buy Fox's voting shares in Fox Film and Fox Theatres. Implicit was the assumption that Fox would never recover from his injuries. No, Fox snapped. Then perhaps not all the voting shares, Clarke suggested, perhaps just half of them. Never, Fox replied. Clarke shrugged off the rejection, assuring Fox that he'd simply wanted to help. Fox believed him. He also overlooked the fact that after Grandeur's financial arrangements were finalized on August 1, 1929, Clarke told him next to nothing about the

company's management and refused to let him examine the books.

Within the Fox companies, long-held resentments flared up. Saul Rogers, Fox Film's in-house counsel, wanted a raise from \$60,000 to \$160,000 a year, guaranteed for five years. According to Fox, "he was not requesting it, he was demanding it." Rogers had negotiated with the Justice Department at the beginning of the year to get clearance for the Fox-Loew's merger and had been told, Fox believed, that the deal was approved. Fox gave Rogers the new contract because "Fox Film or Fox Theatres could not afford to have Rogers become forgetful, as sometimes men do." It was, Fox said, a "hold-up."

On the West Coast, forty-eight-year-old Winfield Sheehan was tired of second place at Fox Film. Since his official installation in 1926 as head of production, the studio had soared financially and artistically. Sheehan credited himself and, amid Hollywood's worshipful cult of personality, began to think of himself as a genius. Fox, he believed, merely rubber-stamped his decisions.

With Fox debilitated, Sheehan aggressively publicized himself. In early October 1929, an article appeared in the *Evening World* (where as a young man Sheehan had worked as a reporter and where he still had contacts) touting Sheehan as the real brains behind Fox Film. According to the article, Sheehan had invented Theda Bara's publicity campaign, created Fox News, organized the Movietone City lot, and produced all the studio's most successful recent movies. The article dubbed him a "Hollywood Dynamo" and gushed, "He is a supervisor of supervisors. His personality is thus impressed on every production."

That same month, with Fox's support, Sheehan left for Europe to seek medical treatment for liver trouble, probably caused by excessive drinking. He settled in London and, without telling Fox, met regularly with his former enemy Alfred C. Blumenthal, Fox's partner in Foxthal Realty. Blumenthal, who was there to work on the Gaumont theaters deal, had never stopped simmering over the fact that Fox required him to give 50 percent of all his commissions to Fox Theatres. Two highly placed executives secretly exchanging grievances against the boss—there would be consequences.

Personal sorrows compounded the task of recovery. On September 11, 1929, Louis Marshall, one of the pillars of the Jewish American philanthropic community, died in Zurich at age seventy-two. Having worked with Marshall on various Jewish fund-raising campaigns, Fox had come to love and respect him. Although Marshall was physically unimpressive, a short, stocky man with eyesight so poor he could barely see in front of him, Fox saw him as having "the vitality and voice of a roaring lion" and idealized him as "the man who gave almost all of his life for the benefit of others." Marshall's death extinguished a shining light in Fox's increasingly perilous world.

A few weeks later, Fox's older daughter, Mona, went to divorce court in Mineola, Long Island, to end her marriage to Douglas Tauszig. Because of Fox's prominence, the trial drew widespread newspaper coverage that repeated the facts of Tauszig's infidelity. Although Mona's lawyers tried their best to humiliate him, Tauszig withstood the assault. In most articles, it was Mona who came across as the pathetic figure, unable to keep her family intact despite her father's wealth and power. A judge granted the divorce on October 22, 1929.

Fox's younger daughter, Belle, was heading in the same direction, as rumors circulated that her husband, Milton J. Schwartz, had been unfaithful. Unsurprisingly, he was out as sales manager of Movietone News by early October 1929 and would soon move on to a position with Columbia Pictures. Schwartz had never been given much of a chance by his father-in-law. Nominally a vice president of Fox Theatres, he was kept in the dark about the company's business. When, for instance, the company sold a theater in Newark, New Jersey, Schwartz was called in only when the deal was completed. Company lawyer Saul Rogers pushed the papers in front of him, and Schwartz signed them without knowing what they said.

The end of his daughters' marriages shamed Fox. He'd believed he could construct happy lives for his children, yet both lost their husbands within a handful of years and ended up as single mothers. The embarrassment was so great that, either at Fox's instigation or that of his very loyal daughters, each of the two Fox grandsons was made to drop his father's surname and become known as William Fox. Mona's son at least retained the middle initial T as an acknowledgement of his paternal heritage. Neither grandson would ever reclaim his real name.

Despite no hopeful signs from the Justice Department, Fox began to act as if approval for the Fox-Loew's merger were imminent. In September 1929 he restructured his companies financially, increasing Fox Film's authorized Class A nonvoting shares from 900,000 to 4.9 million and Fox Theatres' authorized Class A shares from 3.9 million to 7.4 million. The action was widely interpreted as the first step toward absorbing Loew's into the Fox organization. Fox Theatres went first in marketing some of the new stock.

Having sold 700,000 new Fox Theatres shares during the past few years through private trading, Fox now devised an even bolder plan. He would sell shares directly to the public, using his theater screens to advertise them to audiences.* To launch the sales campaign, the whole Fox Theatres circuit would begin a one-week Silver Jubilee on Saturday, October 12, 1929, marking twenty-five years since Fox's entry into the motion picture industry. Fortunately, no one in the press remembered that on four previous occasions, Fox had claimed to be celebrating his silver anniversary: in June 1928, August 1928, December 1928, and January 1929.

In early October 1929, Fox began running full-page ads for Silver Jubilee festivities in newspapers in all the principal cities where Fox theaters were located. The noisy publicity raised an awkward question. Where was William Fox and why, other than during his August 12 golf course appearance, hadn't anyone seen him for the past two and a half months? An Associated Press reporter phoned Fox Film publicist Glendon Allvine and asked him to confirm a rumor that Fox had gone insane. Fox instructed Allvine to issue a denial and let the matter go at that, but Allvine advised Fox to hold a press conference to show that he was mentally and physically fit. So, on October 12, 1929, Columbus Day, the studio

had six limousines bring some thirty reporters from Manhattan to Fox Hall.

Sun-tanned and wearing a dark three-piece suit and tie, Fox still had the showman's flair. Appearing relaxed and carefree, he escorted the reporters on a tour of his estate, chatting casually and answering questions. Then, settling them into wicker chairs around a table on the Fox Hall boat landing, he delivered the dramatic moment. According to one account, "Suddenly, out of a clear sky, he laughingly admitted that he knew what was in the minds of the reporters and then asked them openly, 'Well, do you think I behave, or talk or act like an incompetent?' It couldn't have been staged better in any picture."

With that matter settled, and none of the resulting articles would express any doubt, Fox ran through his standard recital of the official William Fox life story and then addressed his main topic: his vision for the next twenty-five years. "The past is behind me, the future before, and it is to the future I look," he said. Three main ambitions concerned him. Sidestepping the Fox-Loew's merger, which was an inconvenient topic, he pledged to spend onequarter of his estimated \$36 million personal fortune to improve public education, religious life, and medical training through the movies. He would install a motion picture projector in every U.S. classroom and make movies of the best teachers lecturing on every subject. He would film speeches by great religious leaders because "every man, woman and child will be a finer citizen if a God-fearing one." To improve medical education, he would install equipment in hospitals to film operations by top surgeons. This project would be, Fox explained, his expression of gratitude toward the country that had given him such a happy and prosperous life.

If it all sounded unrealistic or inconsistent with Fox's imperialistic, self-aggrandizing activities, none of the reporters said so in print. In fact, his plan wasn't so implausible. For several years, Fox had shown educational movies in the New York City public schools without making a profit, and he had provided feature films to religious organizations for free. Fox Film had also recently made the first talking picture of an operation, showing Chicago surgeon

Nelson H. Lowry operating with a radium knife on a cancer patient. That film was scheduled to be shown the following week in Chicago, at the annual convention of the American College of Surgeons.

All the major papers reported glowingly on Fox's plans, and none questioned his ability to accomplish them.

Hours after the press conference ended at Fox Hall, the Fox Theatres stock sales campaign began throughout the circuit. Advance ads had promised that Fox would deliver a special message via a Movietone talking picture, but he didn't appear on-screen. Instead, Lawrence Chamberlain, an investment banker and author of the 1911 book, The Principles of Bond Investment, repeated words allegedly just spoken to him by Fox. "My friends," Chamberlain, speaking for Fox, began. "I have something important to say to each one of you sitting there in your chair." The message urged the audience to buy Fox Theatres stock as a way to share in the profits they generated every time they attended a Fox Theatre. No one should buy more shares than he or she could afford to pay for in full right now, and if that were as little as one share, fine. On their way out of the theater, patrons received a brochure titled The Story of Motion Pictures and the Fox Theatres Corporation, which included an order form to be sent to a banker or broker to buy Fox Theatres stock at market price. No share price was mentioned, but on October 11 the stock had closed at 28%.

Similar promotional films featuring various Fox representatives were shown throughout the Silver Jubilee week in all eight hundred of the U.S. movie theaters Fox controlled. On opening night, the sales campaign got an extra boost when New York City mayor Jimmy Walker strode onstage at Fox's Academy of Music during the show to provide a personal endorsement. "I have known William Fox personally for years and I admire him for many things," Walker said in a speech that was broadcast over radio station WMCA. "His is a real benevolent and charitable heart."

Despite all the fanfare, the new Fox Theatres stock moved slowly, evidently selling only about 83,000 new shares during the first few weeks, with many bought by Fox company employees. The

stock was a tough sell. It paid no dividend and had a volatile history. Furthermore, for anyone who cared to think about it—and Fox didn't care to point it out—Fox Theatres' purchase of the Loew's shares still hadn't received government approval. Altogether, Fox Theatres was the unsteady prodigal child of the family. If one were going to buy anything Fox, Fox Film, with its long, profitable history and \$4 annual dividends, made more sense.

Nonetheless, the Silver Jubilee festivities and the anticipation of a tremendous future at hand reinvigorated Fox. On Thursday, October 24, 1929, he left Long Island for the first time since his July 17 accident. He was still not back to normal, but he had been in seclusion far too long. It was time to find out what exactly had been going on in the world.

Disaster: October 1929

And then came this thunderbolt out of the sky, or earthquake, or whatever it was. To me it looked like more than an earthquake. It looked like a canyon had opened up, that hell had broken loose and the earth had caved in.

---WILLIAM FOX

T he occasion that brought Fox back into Manhattan on Thursday,

October 24, 1929, was a private dinner at the University Club for wealthy Republicans hosted by investment banker Jeremiah Milbank. The event was supposed to be social, a chance to introduce the recently appointed Republican National Committee chairman, Fox's friend Claudius H. Huston, to the New York banking establishment and to drum up enthusiasm for the next year's congressional elections. Hoover's vice president, Charles Curtis, came from Washington, DC; so did four Cabinet members and three senators. Otherwise, the one hundred-plus guests were either top-level financiers or, like Fox, rich contributors.

Because the U.S. Justice Department still had not approved the Fox-Loew's merger, Fox could not afford to pass up any opportunity to salute the colors. He had only four months left until his \$15 million loan from AT&T came due and about a month after that he would have to repay Halsey, Stuart's \$12 million loan. Claudius Huston, Fox believed, could push the Hoover administration to

approve the Fox-Loew's merger.

Instead of good cheer, worry and dread hovered over the University Club gathering. Since September 3, 1929, when it hit its peak at 381.17, the Dow Jones Industrial Average had been sliding downhill. For weeks, it had been possible to dismiss that movement as part of the normal business cycle. Yesterday, however, the whole tumbledown structure of the U.S. economy had started to heave and convulse on its foundations. In afternoon trading on October 23, "a sudden deluge" of selling orders hit the stock market, causing a steep, fear-driven decline in share prices.

The next morning, the day of the University Club dinner, the stock market shuddered with aftershocks. Speculative buyers whose stocks had taken a beating and who could not meet their brokers' demands for margin payments were forced to liquidate their accounts wholesale. During the first thirty minutes of trading on October 24, more than 1.6 million shares were sold on the New York Stock Exchange. As prices careened downhill, many amateur investors tried to salvage what they could by making a mad dash for the door. One Wall Street brokerage firm characterized the first two hours' activity as "hysteria . . . without rhyme or reason." Some stocks tumbled 50 to 150 points. Even bargain hunters who wanted to buy shares couldn't because no one knew the correct prices. The terror quickly spread to the New York Curb Exchange and then to other cities, causing a nationwide "avalanche of selling."

By noon that day, after only two hours of trading, the whole stock market was in such desperate shape that five leading bankers (Thomas W. Lamont, senior partner of J. P. Morgan & Co., and the executive heads of the Chase National, National City, Bankers Trust, and Guaranty Trust banks) met at the Morgan offices and agreed to throw an estimated \$1 billion at pivotal stocks that afternoon in an attempt to stanch the bloodletting. On behalf of the group, Lamont issued a statement affirming that U.S. financial conditions were fundamentally sound and that the panic was unwarranted.

The bankers' intervention worked, more or less. By 2:00 p.m., a vigorous upswing was under way, and an hour later the Dow Jones closed at 299.47, representing an overall decline of only 6.38 points

from the previous day. Nonetheless, during the five-hour trading period, nearly 12.9 million shares had been sold, topping the previous record of 8.2 million shares on March 26, 1929. The *New York Times* characterized the day's total losses as "staggering, running into billions of dollars." Thursday, October 24, 1929, ranked as the worst day so far in stock market history.

That was what everyone at the University Club was either thinking about or trying not to think about. Was the market break merely a technical correction, a temporary interruption of robust prosperity, as members of the Federal Reserve Board reportedly assured Wall Street leaders? Or was it, as Sen. William H. King (D-UT) contended, the start of a long and inevitable "day of reckoning" necessary to eliminate billions of dollars in "water and hot air" from hundreds of bloated, grossly overvalued stock issues?

While several of the University Club dinner speakers avoided the grim subject, U.S. secretary of commerce Robert P. Lamont (no relation to J. P. Morgan's Thomas W. Lamont) faced it squarely and predicted big trouble. Fox recalled, "He went on to tell these men that no nation could continue when its citizens refused to buy bonds, that all great nations were built on the public's willingness to buy bonds and that unless a great market could be created for bonds and this speculation in common stock would terminate, that the nation was threatened." According to Fox, Lamont diagnosed the United States as suffering from financial "cancer," and "he used the old Roosevelt term, 'You can't cure a cancer by smearing salve on it. When you have cancer, you must have a surgical operation.'"

About a third of the way into Lamont's thirty-minute speech, Fox turned to a friend and said, "That man is either the most damn fool man I ever listened to or the most intelligent man I ever listened to. Which is he?" The friend wasn't sure, either.

The more Lamont talked, the more frightened Fox became. "He drew a picture so black that I trembled at the thought of what would occur the next day when these 100 bankers would reach their offices and when the bell would ring at ten o'clock in Wall Street. No one could have listened to him that night without wanting to sell every share of stock he owned the next morning."

The next day, Friday, October 25, 1929, Fox returned to his office after an absence of more than three months. As soon as the stock market opened, he phoned his brokers and ordered them to start selling all the stock he owned in every company other than his own and Loew's—some \$20 million worth.

Fortunately, buoyed by reassurances from leading financiers and industrialists, the New York Stock Exchange opened relatively calmly. That afternoon, Hoover issued his soon-to-be-famous statement, "The fundamental business of the country, that is production and distribution of commodities, is on a sound and prosperous basis." By the closing bell, the market appeared to have stabilized. Trading volume amounted to less than half that of the previous day, involving a nearly normal 5.9 million shares compared to Thursday's record 12.9 million shares, and prices of leading securities had fluctuated within a narrow range. Fox had done well. Because he had bought many of his shares a long time before, he got at least as much as he had paid for them. He continued selling through the short session on Saturday, October 26, which turned out to be another quiet, steady day.

Fox was so relieved that on Sunday evening, October 27, he attended the Jewish Theatrical Guild's annual dinner at the Commodore Hotel. There, the stock market disturbance was literally a laughing matter. Toastmaster Eddie Cantor joked, "As for myself, I am not worried. My broker is going to carry me—he and three other pall-bearers."

By the afternoon of Monday, October 28, Fox had disposed of all \$20 million of his personal non-Fox or non-Loew's stock. He got out just in time. Toward the end of Monday's trading, panic set in again on the New York Stock Exchange, causing a massive sell-off at swiftly falling prices. Of the day's trading volume of 9.25 million shares, nearly one-third of the sales occurred in the last hour, by which time Fox had completed his transactions. The day's losses exceeded those of the entire previous week.

Ominously, the five bankers who had intervened the previous Thursday refused to prop up the market. On the evening of Monday, October 28, Morgan Co. partners Thomas W. Lamont and George Whitney announced that the group would no longer shore up falling prices but would try merely to maintain order in the market. As John Kenneth Galbraith would write, "The speculator's only comfort, henceforth, was that his ruin would be accomplished in an orderly and becoming manner."

The next day, "Black Tuesday," October 29, the earth cracked open and everything tumbled into the abyss. In a "violent succession of downward plunges," investors dumped a record 16.4 million shares onto the New York Stock Exchange. The good went with the bad. Blue-chip stocks—those of companies such as General Electric, RCA, Allied Chemical, Westinghouse, General Motors, and DuPont—fell by as much as 70 points. In less than a week, the market value of securities listed on New York stock exchanges had declined by \$12–\$15 billion.

Fox was completely unprepared for Black Tuesday. Relieved at having wrenched \$20 million out of the plunging stock market the previous day, he stayed home in the Fox Hall boathouse, where he had been living since the car accident. While it was true that he had avoided instant ruin—had he waited until Black Tuesday to sell, both he and the Fox companies would have been bankrupt—he was by no means out of trouble.

In acquiring the additional 260,990 Loew's shares during the spring of 1929, he had bought on margin using borrowed money. That is, he put up a fraction of the purchase price, perhaps as little as 10 or 20 percent. At the time, there was no minimum margin required either by law or by the New York Stock Exchange. To make the margin payments, he had taken out bank loans. He supplied the rest of the stock's purchase price through brokers' loans, which entitled the brokers to hold the Loew's shares as collateral.

Margin buying, a widespread practice during the late 1920s, works well in an up market because as the share price rises, so does the investor's equity. If, for instance, one puts up 50 percent of an \$80 stock and the market price rises to \$100, then instead of \$40 of

equity, one now has \$60 of equity. If the market price falls, the reverse is true: one loses equity and must provide additional money or collateral to restore the position. That is, if the \$80 stock falls to \$60, one loses \$20 in equity and must replace that \$20. The buyer who fails to meet such a "margin call" forfeits everything, because the broker can keep the cash and collateral provided so far and sell off the stock to get back as much as possible.

Before Black Tuesday, Fox had met margin calls on the additional Loew's shares with profits from the sale of his non-Fox and non-Loew's stocks. In the process, he managed to pay in full for some of the Loew's shares. However, at the close of trading on Monday, October 28, his brokers were still holding 233,400 Loew's shares as collateral. That put Fox in a very vulnerable position. He couldn't afford any more drastically bad news.

Yet more drastically bad news was on its way. A few minutes after 10:00 a.m. on Tuesday, the phone in the boathouse rang. It was one of Fox's brokers, who told him that the market was still falling and he needed to send a \$250,000 check immediately as a margin payment on the Loew's stock. Fox agreed. "I had no more than put the receiver on the hook when another broker called, and within twenty minutes the number of brokers that called for additional margins—when I totaled the sum, it was more than \$1.5 million." Fox called his office and told them to prepare the checks for delivery to the brokers. "I had no sooner hung up the phone when the broker that wanted \$250,000 on his first call wanted \$500,000. And soon the others began to call. The funds with which I was to make these payments of additional margin were my personal funds. My telephone bell kept constantly ringing."

By noon on Tuesday, October 29, Fox's brokers wanted \$4 million in margin payments on the Loew's stock. Fox briefly considered giving up and letting his brokers sell the 233,400 Loew's shares they were still holding as collateral. However, when he called between 12:30 and 1:00 p.m. and asked what price he could get, the news was appalling. Although Loew's would end the day with an official quote of \$40 per share, one of Fox's brokers told him that the only available bid price was \$5 per share. The Loew

family's 400,000 shares had cost him \$125 each; for the additional 260,990 Loew's shares he subsequently bought on the open market, he had paid an average of \$77 each.

The situation was incomprehensible. Only a few weeks earlier, the future had appeared bright and full of promise. "And then came this thunderbolt out of the sky, or earthquake, or whatever it was. To me it looked like more than an earthquake. It looked like a canyon had opened up, that hell had broken loose and the earth had caved in," Fox would recall. "I called my secretary and told him to tear up the checks. We would send no money to anyone. I was tired and weary." Alone in the boathouse, Fox took the receiver off the hook and went upstairs to the room where Jacob Rubinstein, his friend and fellow passenger in the car accident, had been staying. He lay down on the bed and fell asleep.

Around 3:30 p.m., he woke up to hear his name being called loudly. Downstairs, he found a highly agitated Rubinstein. "He said he had been yelling for a half hour . . . The boat was not tied up to the dock and he thought I had made short work of it."

Reassuring Rubinstein that he had no intention of killing himself, Fox urged his friend to calm down. They would both go to Manhattan, Fox said, "and see what we can do about it." They left Woodmere around 4 p.m. "I thought it was going to be a perfectly simple matter to straighten my affairs out in a day or two . . . I thought in a perfectly normal way, having gotten into difficulty, I would get myself out of it."

As soon as he arrived at his suite at the Ambassador Hotel on Park Avenue between Fifty-First and Fifty-Second Streets, Fox began making calls. He owed \$10 million in margin payments to thirteen brokers, and he didn't have it. He believed his friends would help.

It was a very long night. First, he tried his Grandeur partner, Harley Clarke. When Clarke had visited Fox in early August, shortly after his release from the hospital, to ask about buying the Fox companies' voting shares, he had cheerfully offered to lend Fox several million dollars at any time. Now, Fox asked Movietone

News head Courtland Smith, who was friendly with Clarke, to phone for the money. Clarke sent Smith back with a counterproposal. Clarke still wanted to buy the Fox companies' voting shares. How much did Fox want?

Previously, Fox had been unwilling to sell at any price. Now, stricken by the enormous financial chasm facing him, his resolve weakened. He would accept a sum large enough to numb all pain of loss. He wrote the number on a piece of paper and handed it to Smith: \$100 million.

Clarke refused. \$100 million was a pre-crash price, not the sort of fire sale bargain he had evidently expected. Yet if Clarke was tone-deaf in his blunt approach to Fox—to whom Fox Film and Fox Theatres were worth far more than the figures on their balance sheets—Fox showed no more sensitivity to Clarke's point of view. He immediately called Clarke and asked to borrow \$3–\$4 million. Fox recalled, "He didn't say that he didn't have it, or that he was affected by the crash himself, but on my plea for a loan, it was just NO. He didn't whisper the word, he yelled it."

Next, Fox tried Halsey, Stuart, where he already owed \$12 million. Firm president Harry Stuart was in Chicago, but the New York office manager quickly tracked him down. "No," the answer came back. Harry Stuart himself was in trouble. The investment trust he had reluctantly created at Fox's urging, Corporation Securities, was due to settle on November 1, 1929, and he didn't have a single dollar to spare.

Despite these two rejections, Fox wasn't worried. Of course, AT&T, which had loaned him \$15 million toward the Loew's purchase, would rescue him. Late in the evening on Tuesday, October 29, Courtland Smith brought John Otterson to Fox's suite at the Ambassador Hotel. Fox asked for another \$13 million. Ten million would meet his current need, and the extra \$3 million would provide a cushion against any future share price decline. According to Fox, Otterson listened "very attentively" and agreed to ask his superiors for the money first thing in the morning.

Finally, still on the night of Black Tuesday, as a backup option, Fox sent for Richard Hoyt, the tall, thin, chain-smoking Hayden, Stone banker from whom he had bought the controlling interest in West Coast Theaters in January 1928. Hoyt had been at a dinner party. He "came just as though there hadn't been a panic that day," Fox recalled. "He didn't seem to be worried or annoyed . . . The nation was worried, but Hoyt was having a good time." After about ten minutes, Fox realized he might just as well have been talking "to a stone wall." Hoyt, Fox sensed, was still angry about being pressured by AT&T into selling West Coast Theaters to Fox at an artificially low price. Fox told Hoyt, "what you would like to do is to cut out my left kidney."

"I am glad to see you did that mind-reading act so well, because when you go broke, as you will, you will be able to earn a good living doing a mind-reading act on the stage," Hoyt replied. "You have made only one mistake. It isn't the left kidney I want to cut out, but both your kidneys." Then, Fox said, Hoyt "took his tall silk hat and walking stick and walked out."

It was now about midnight. All the New York brokerage houses were still open while clerks tried to figure out the amount of margin their customers would have to put up the next day. About 1:00 a.m. on Wednesday, Fox began calling the thirteen brokerage houses that were holding his Loew's shares and asked them to send representatives to the Ambassador at 9:00 a.m.

Ever the showman, he staged a suspenseful scene. As the frazzled brokers trudged into his hotel suite on Wednesday morning, he had a waiter from the Ambassador's room service kitchen, directly opposite his apartment, wheel in his breakfast. Normally he didn't eat breakfast, but today he had ordered enough food for three people. It was all for himself. "It was plain to see that the majority had not only had no breakfast, but had not been to bed. They were nervous, and the strain showed very clearly. I realized that the longer I kept them waiting, the more nervous they would become."

He ate his breakfast very slowly. After about twenty minutes, knowing that the brokers needed to be in their offices by 10:00 a.m., he asked for a twenty-four-hour moratorium on balancing his accounts. Calmly, he pointed out that if the brokers didn't agree,

then the 437,500 Loew's shares that he owned outright would be useless to him, and he would offer them for sale. Once he did so, the market price would probably drop to \$1. They, too, would lose their shirts on the stock.

In fact, Fox wouldn't have sacrificed the 437,500 Loew's shares, but the threat was a useful theatrical gesture. "I waited for a reply and no reply came." Finally, one broker said to the others, "What are you hesitating about? If we agree not to sell these shares, he may be able to raise this money. There is a chance." Fox got his twenty-four-hour reprieve.

Shortly after 10:00 a.m., Otterson called with bad news. AT&T was not willing to lend Fox any more money. Fox thought about it and a few minutes later called Otterson back, offering to provide collateral consisting of personal assets and Fox company properties worth more than \$50 million, for both the proposed new \$13 million loan and the existing \$15 million loan, which was as yet unsecured. Otterson said he would check with AT&T president Walter S. Gifford. Five or ten minutes later, Otterson called back. The answer was still no.

Fox was stunned. AT&T had a lot at stake in their relationship and whatever the personal feelings of a subdivision head such as Otterson, Fox had assumed that the parent company would act primarily to protect its financial interests.

"So I said to myself, 'Well, now, that is all right. These men do not want to do it. I will have no trouble,'" Fox recalled. There were still "hundreds of places" to borrow money. Feeling "calm, cool," and "in perfect health" even though he wasn't, he set out on a door-to-door canvass of all the large commercial banks in the New York area. He recalled his mother's advice to him as a boy: "The way to judge a general is not in time of peace, but in war. In time of peace, all he has to do is be well groomed. In time of war, he proved whether he had a right to call himself 'general.'"

He aimed to borrow enough money to pay in full for the 233,400 Loew's shares in the hands of his brokers. Under his arm he

carried his companies' financial statements. The numbers were all on his side, reflecting record profits. For the nine months ending September 30, 1929, Fox Film had net earnings of \$9.6 million, compared to \$4.4 million for the same period in 1928. Fox Theatres' net earnings for the fiscal year ending October 27, 1929, had totaled \$2.748 million, up from \$1.775 for 1928. During its fiscal year ending August 31, 1929, Loew's had earned a profit of more than \$12 million, compared to \$8.6 million for the previous year. Many experts believed that the motion picture industry would actually benefit from the economic crisis because movies offered inexpensive escape from fear and uncertainty. In late 1929, *Motion Picture News* reported that industry leaders expected 1930 to be "the most prosperous [time] since film first found its way out of the can."

As collateral for the prospective new bank loans, Fox offered the Loew's stock itself and real estate owned by the Fox companies, some \$25–\$30 million worth.

All the bank presidents responded alike. "They listened attentively, yes. They gave me all attention, all the attention I wanted. They listened to the whole story, and then were very sorry they could not make a loan. It mattered not whether I offered to give \$5 as collateral for a one-dollar loan. Oh no, it made no difference."

Actually, one banker did help, but only with a four-month loan of \$550,000, too little to matter.

"Well, a sort of miracle happened," Fox said, recalling subsequent events on Wednesday, October 30. The phone rang. The caller was Albert M. Greenfield, Fox's friend and partner in the Philadelphia-based Bankers Securities. Unaware of Fox's plight, Greenfield said he'd spoken that morning by phone to the Warner brothers, who wanted to buy Fox's 25,001 shares of First National stock. The Warners owned most of First National's 75,000 shares, but Fox's holdings left them just short of the two-thirds majority they needed to merge First National with Warner Bros. (Fox had received 21,000

First National shares as a bonus when he bought the West Coast Theaters stock in January 1928, and then, to forestall the Warners' merger ambitions, had bought another 4,000-plus First National shares from an Oklahoma City original franchise holder.)

The Warners would pay Fox \$5–\$6 million in cash for the First National stock, Greenfield said. Desperate though he was, Fox would not show weakness, even to a close friend. Gambling that the Warners would go higher to get full control of First National, he told Greenfield that \$5–\$6 million was "ridiculous." He wanted \$12.5 million.

Greenfield had his own agenda. Fox had borrowed \$10 million from Bankers Securities to buy the Loew family's stock, and Greenfield wanted to make sure that debt would be repaid. He immediately took a train to New York, and by midnight on Wednesday he had nudged the Warners up to \$10 million. They would pay \$7.5 million in cash, along with ten one-year notes, each for \$250,000. Greenfield would take two of the notes as a commission, netting \$9.5 million for Fox. The deal was an astonishing windfall. Although Fox had carried the First National stock on the Fox company books with a value of \$3.8 million, he had never wanted it and had considered it worthless.

Fox interpreted this turn of events as a signal of divine favor. "It is clear that my help came from God Almighty," he said. "The Lord didn't want me destroyed. He wanted to save me. Why these fools [the Warners] went out that day and borrowed \$10 million to buy these shares I never could figure out . . . Is it humanly possible for me to believe otherwise than that God inspired them to the point of wanting to buy these shares?" That was the narrative that had always quietly sustained him since his spiritual awakening at his bar mitzvah. As long as he kept "great faith in God," he would never be alone in any crisis. For the just, life was just.

Ever the idealist, Fox was no less a pragmatist. On the morning of Thursday, October 31, pretending he hadn't yet found the money to meet their margin calls, Fox asked his thirteen brokers for another twenty-four-hour moratorium. They agreed. They had no choice. During the day, Greenfield finalized the First National stock

sale contract with the Warners and, around midnight, gave Fox the \$10 million.

Again, Providence seemed to work to Fox's advantage. By Friday morning, Loew's market price had recovered substantially, so that instead of owing \$10 million, Fox now had to meet a margin call of only \$3 million. Before handing the money over to the thirteen brokers, he made a deal with them. He would pay \$4.5 million now as long as the brokers agreed to hold his Loew's shares on a 35 percent margin basis until the end of 1929. According to Fox, 35 percent was the highest margin percentage that brokers had been accustomed to getting. They agreed.

He had a more difficult time with the bankers from whom he'd borrowed money to buy the extra Loew's shares. As security, they were holding Loew's shares valued at \$40 each, which had been about half the market price at the time of purchase. The deal had seemed perfectly safe, so Fox hadn't worried that these were "call" loans—that is, subject to being called in at any time at the bankers' discretion. Now that fact made a great deal of difference. In the worst-case scenario, the bankers could insist on immediate repayment, and if Fox failed to deliver, they could file receivership petitions against the Fox companies to get the money to satisfy the debts.

But no one wanted to go down that road. The Fox companies were booming businesses, and Fox had always been a good banking customer. Aware of the windfall he'd received from the Warners, the bankers pressed him for most of the \$3 million in cash he had left over after paying his brokers. They got it. The payment reduced the price at which they were holding the Loew's shares from \$40 to \$30 each. Matching the brokers' agreement, Fox's bankers agreed not to call his loans at least until the New Year.* He now had nearly two months to get about \$26 million to move all the Loew's shares safely into his possession.

"That was long enough for me," he said. "I did not doubt at all that I would be able to raise all the money and get out of this difficulty long before December 31, 1929."

He immediately shared the good news with John Otterson and

Harry Stuart. Because they were in this plight with him as a result of their companies' loans, he believed he was delivering "a message of cheer." He said, "I thought I was telling that to my friends and [that] they were happy about it."

Siege

The two-month reprieve turned out to be meaningless. Instead, the Fox companies entered a state of financial siege. There was no money anywhere for them.

Just as the commercial bankers had, investment bankers rejected Fox's pleas for help. At Halsey, Stuart, which had a preferential financing agreement with the Fox companies, president Harry Stuart did have seemingly friendly conversations with Fox for three days shortly before November 15. The urgent matter was to raise the \$26 million to take back the Loew's shares from the brokers and bankers; that would keep the stock safe until the Justice Department approved the acquisition and financing for a Fox-Loew's merger could proceed. On the fourth day, according to Fox, Stuart whiplashed. In Fox's telling, he attacked Fox's character as duplicitous, berated him for "reckless" behavior in buying the \$20 million Gaumont chain—a purchase that Fox believed Stuart had enthusiastically supported—and announced, "We are no longer your bankers. Go where you like. We don't care."

Several years later, Fox still felt the sharp sting: "From time to time during my career, I had been humiliated in one way or another. At least, I thought I had been humiliated. But never in all my life had I received such humiliation as I did that day from Mr. Stuart. He seemed to gloat at the fact that I was in difficulty."

Stuart's attitude was not entirely incomprehensible. At the time of these meetings, more ominous clouds were gathering over the nation's financial outlook. On Monday, November 11, without any particular spur of bad news, the stock market tumbled violently downhill as sell orders targeted such supposed strongholds of industry as U.S. Steel, Westinghouse, General Electric, and AT&T. Wall Street brokers were mystified. They had assumed that their weak margin accounts had already been eliminated and that, as of the previous Friday, the market had stabilized. The logical explanation seemed to be that Monday's huge sell-off reflected a deep crisis of confidence. That is, over the weekend, rank-and-file investors had decided to run away even though they didn't have to, and buyers refused to step in. More steep losses followed on Tuesday and Wednesday. Regarding this early to mid-November period, John Kenneth Galbraith would write, "Of all the days of the crash, these without doubt were the dreariest."

Investment trusts such as Halsey, Stuart's Corporation Securities, formed in part at Fox's insistence, were especially hard hit. Moreover, Fox had still not given Halsey, Stuart the promised \$1 million back payment. In perspective, it was probably more remarkable that Stuart managed to speak calmly to Fox for three days than that he finally erupted on the fourth day.

Believing himself released from Halsey, Stuart's preferential contract and on the advice of John Otterson, Fox approached Dillon, Read and Co., the bankers for Loew's, Inc. In one day, a Dillon, Read partner drew up an \$85 million financing plan that sounded to Fox "like Aladdin and his wonderful lamp." The mirage collapsed just as soon as Fox asked Dillon, Read for a \$500,000 loan to make a payment due the next day for some theaters he'd bought earlier. As collateral, Fox offered two of the six \$250,000 notes he still had left from the First National shares sale to Warner Bros. (Of the original ten notes, he had given two to Albert M. Greenfield for arranging the deal and had sold two more.) Dillon, Read wanted all six notes, with a face value of \$1.5 million. Fox protested. Dillon, Read held firm. All six notes or no loan. Fox said, "I left there and never went back."*

Weeks later, Dillon, Read head Clarence Dillon laughed in Fox's face at the idea that his firm would ever have considered issuing \$85 million in Fox-Loew's securities. The firm's plan had evidently been to extract as much money as possible from Fox via the Warner Bros. notes and then to stall on the securities issue so that, at year's end, Fox would have no time to look elsewhere for the money to pay off his brokers and bankers. Then the Fox companies would fail and so would the possibility of a Fox-Loew's merger. Then Dillon, Read could keep Loew's, Inc., as its client.

Wealthy. presumed friends also turned a cold shoulder. Multimillionaire stock market speculator Bernard Baruch had known Fox for several years, ever since they were both duped into investing in the Film Inspection Machine Company, which made equipment that was supposed to detect various flaws in motion picture film. From time to time, Fox and Baruch had met to commiserate about the company's poor management. Now, when Fox asked for help, Baruch initially seemed "wildly enthusiastic" and offered not only to invest \$10 million but also to raise additional money from his banker friends. Before firmly committing, though, he decided he wanted to hear the other side of the story. One morning, at his Fifth Avenue mansion, Baruch told Fox that Harry Stuart and brother Charles Stuart were on their way over. Fox pleaded unsuccessfully with Baruch to cancel the meeting. He left, waited across the street, and watched the Stuarts arrive. After that, Baruch didn't take any of Fox's phone calls.

Fox also approached John D. Rockefeller Jr., asking not for money but for advice. "I felt I was drowning," he said later. On November 12, 1929, he wrote Rockefeller Jr. a three-page letter, detailing the financial logic of the Loew's acquisition and asking for an appointment to discuss "the most important step of my life." He commented, "I feel it will be a great privilege and honor if you will accord me a personal interview."

Over the years, Fox had done many unsolicited favors for the Rockefellers. In addition to stepping aside during the 1918 Red Cross war relief campaign so that Rockefeller Jr. could publicly claim the highest fund-raising total, he had ordered Fox News to

cover various events in the family's history. In August 1921, for instance, Fox had spent several thousand dollars to document the trip that Rockefeller Jr. and his wife made to China to dedicate the Peking Union Medical College. Upon their return, he arranged a Christmas Eve private screening of the footage for the family in a church; he also gave Rockefeller Jr. his own copy of the film. Recently, on July 8, 1929, he'd sent a Fox News crew to Pocantico Hills, New York, to film John D. Rockefeller Sr.'s ninetieth birthday celebration. The silent footage showed the frail old man, looking somewhat bewildered, wearing a suit with a cutaway coat with a flower in the lapel, a vest, and a straw hat, tottering through his gardens on a cane, cutting a birthday cake with ninety candles on it, and smiling as he lifted a piece of cake toward the camera.

Those were kind gestures, but hardly enough to overcome Fox's recent refusal to help Rockefeller Jr. with a major real estate project. Before the stock market crash, Rockefeller Jr. had been planning to develop "Metropolitan Square" on the city blocks from Forty-Eighth to Fifty-First Streets between Fifth and Sixth Avenues. In early October 1929, he'd offered to pay \$1.45 million for the row of six old four-story buildings that Fox owned on Sixth Avenue, stretching from the corner of Forty-Eighth Street more than halfway down the block to Forty-Ninth Street. Fox refused to sell at any price. He wanted to build his own office tower there. After "Black Tuesday," Fox decided to accept the \$1.45 million. However, because part of his financing had fallen through, Rockefeller had scaled back his plans to a smaller collection of skyscrapers to be known as Rockefeller Center. He still needed Fox's land, but he was now willing to pay only \$800,000. Although earlier in 1929 Fox had bought the property for only \$300,000, he declined.

That rejection occurred less than two weeks before Fox sent his three-page letter, which didn't mention the Sixth Avenue land.

"Your letter of November 12th was duly received," Rockefeller Jr. began in a frosty two-paragraph reply dated November 18, 1929. Unfortunately, he continued, he and his associates didn't invest in movie companies. Consequently, "Under these circumstances . . . I regret that it would be out of line with our

established policies even to consider a participation in them."

Fox groveled. In a second letter, dated November 22, 1929, he thanked Rockefeller Jr. for his "very prompt response," even though it hadn't been very prompt, and he heaped all the blame on himself for not having clearly stated that he didn't want money, but simply "your splendid counsel and advice." He still didn't mention the Sixth Avenue property.

This time, Rockefeller dashed off a memo referring Fox to his brother-in-law Winthrop Aldrich, president of the Equitable Trust Company, which was then in negotiations to merge with the Chase National Bank. Don't bother, a knowledgeable lawyer advised Fox. Aldrich was the bank's "no" man. He turned down every proposal regardless of merit. Fox didn't bother.

Shaken by his inability to raise money on faith in his companies' future, Fox decided to sell a half interest in West Coast Theaters. The company was on track to earn \$5.5 million for 1929, and following the standard formula of calculating price as ten times annual earnings, Fox anticipated receiving \$27.5 million—enough to get him out of danger. It wouldn't be easy to let go of full control, not when he'd worked so hard and wanted for so long to acquire it, but he planned to stipulate that West Coast's new coowner guarantee to use Fox movies at the current level of rental fees. The main impact, then, would be a loss of income to Fox Theatres. And so Fox convinced himself he would be "happy to sell" because West Coast was "just one of the many children that the Fox companies had and [they] could well afford to let someone adopt one of these children, particularly . . . if all the other children of the Fox company were to be insured against any troubles." If that rationale wasn't exactly heartfelt, it was necessary.

Warner Bros. was the most likely buyer. It was well known that its bankers, Goldman Sachs, intended to build the studio up for a run at industry domination. Black Tuesday hadn't squelched that ambition. As of November 1929, according to Fox, Goldman Sachs was "printing bonds for the Warner Company as freely as water

comes from a faucet." Fox asked his friend Albert M. Greenfield, who had brokered the First National sale just two weeks earlier, to handle the negotiations.

First, however, Fox had to explain to Greenfield why he needed to sell such a valuable asset. Fox hadn't yet divulged the depth of his troubles. When he did so, over dinner at the Ambassador Hotel, Greenfield became violently ill. Bankers Securities might not get back the \$10 million (half its capital and surplus) it had loaned Fox to buy the Loew's stock. Setting aside his other business troubles at home in Philadelphia to tend to this crisis, Greenfield made good progress. The Warners were "vitally interested," and soon raised the possibility of buying all of West Coast Theaters in a fifty-fifty partnership with Paramount's Adolph Zukor. By now, this, too, was acceptable to Fox. He really needed the money.

Then, he said, "I fell into a trap." It was too hard to give up the habit of a lifetime—always thinking he could do better than everyone else, even a highly capable friend such as Greenfield—and too hard to relinquish entirely such a valuable asset, West Coast Theaters, to his main competitors. Consequently, it was too easy to listen when John Otterson, who didn't want to see Warner Bros. enhanced, presented a rival offer. To "prove our friendship," Otterson told Fox, AT&T would buy West Coast Theaters for \$55 million, sell half of it to Paramount, and then give Fox three years to buy back the AT&T-owned half.

Elated at having two prospective buyers—surely one deal would work out—Fox wondered, "How could a man be luckier than I was?" Greenfield warned that Otterson would just string Fox along and leave him empty-handed. Greenfield even offered to forgo a commission, as long as Fox proceeded with the Warners because only they were serious buyers. Fox didn't listen.

Then Warner Bros. and AT&T found out about each other and both withdrew.

Angry and uncomprehending, Fox suspected a hidden plot. As he interpreted events, Otterson and Zukor had merely pretended to be interested in West Coast Theaters in order to foil the sale to the Warners. Otterson's ERPI was tied up in acrimonious arbitration hearings over its alleged sabotage of the Warners' Vitaphone system, and Zukor wanted both to suppress Warner Bros.' growth and ensure the destruction of the Fox companies. On the other side of the equation, Fox believed that the Warners "were too stupid" to thwart the action against them by snapping up at least half of West Coast Theaters.

"You have an idea that everybody is planning to destroy you. You think everybody is against you," Greenfield argued. In fact, Greenfield said, Fox had plenty of friends who were willing to help him. For instance, he had seen Zukor turn to one of the Warners, say he was sorry to see Fox in trouble, and ask Warner to give Fox (as he himself would) an unsecured personal loan of \$2.5 million. Greenfield chided Fox, "You have misconceived the attitude of these men entirely. You are just angry because they won't pay you \$55 million for your company."

"I reached for his hat and coat and told him to go right back and bring me that \$5 million and out he went," Fox recalled.

Returning half an hour later, Greenfield sheepishly conceded, "You were right and I am wrong. They wouldn't loan you 250 cents apiece. That was just a bluff."

"I want you to go back once more," Fox said. "I want you to deliver a message to these two gentlemen. You tell them that I never had a right to suppose they would ever loan me \$5 million and that I was not making application for the loan." Tell them, Fox said, that although their companies were now prosperous, someday "the people of this country" would blame them for trying to ruin him. "The day will come when these two men will be down on their knees and asking for money and I will have it when they do not have it, and I will loan them money."

"Will," not "won't." He would not sink to their level, and they were not to have the satisfaction of thinking that he might.

There was only one thing to do: sell the Loew's shares. "That was the last thing I wanted to do, particularly in view of the fact that those were the shares that caused all my difficulty and to dispose of those would to me seem defeat," Fox said. "However, I reached the conclusion I would have to forget my ambition."

The market consisted of only two prospects because Fox needed the full \$73 million he had paid, and the market value of the Loew's shares had dropped to about \$24 million. Only a company that wanted to consolidate with Loew's would be willing to pay \$73 million. Other than Fox, only Warner Bros. and Paramount had that ambition.

Despite the rancorous end to the West Coast Theaters negotiations, Fox expected both studios to jump at the opportunity. After all, Warners Bros. had been his main rival to buy the Loew family's stock at the beginning of the year, and shortly before the stock market crash, Paramount had started taking steps to acquire Warners Bros., a company considerably inferior to Loew's. To allay antitrust worries, Fox promised to make the sale contingent on Justice Department approval.*

Neither studio wanted the Loew's shares. Otto Kahn, head of Kuhn, Loeb, Paramount's Wall Street banking firm, turned Fox down on the spot, and the next day, the Warners told Fox that Goldman Sachs could not raise enough money. This was a lie, Fox thought. "At this time, Warners had their printing presses running day and night for bonds. Here was a chance for Warner Bros. to achieve the position of the greatest corporation of its kind in the world. Of course they wanted these shares."

No one who knew would ever say what really happened. Looking back several years later, Fox speculated that Kahn must have been under orders from AT&T, which must also have pressured Goldman Sachs to refuse the Loew shares.

Reportedly, Fox also tried to sell his Loew's shares to William Randolph Hearst and Louis B. Mayer. They also turned him down.

As the days sped past, as door after door closed to him, Fox's moral armor cracked. He'd always prided himself on following the law, now; he deliberately cheated. In the stock market crash, he personally had lost \$3.3 million on 210,300 shares of Fox Theatres

stock. On November 19, 1929, he had the Fox Theatres board of directors, which consisted of him and several relatives and employees, adopt a resolution ratifying his purchase of those shares on behalf of the company. Fox Theatres thus assumed the \$3.3 million loss. There were several problems with this maneuver. None of the records of Fox Theatres showed that the company had ever authorized Fox to buy the stock for it. By contrast, when Fox was buying Loew's stock for Fox Theatres, all the entries had gone on the books. Then, on his 1929 personal income tax return, Fox would claim the loss as his own.

On the surface, his action made no sense. He was supposed to be trying to save his companies. Fox Theatres could ill afford this financial gouge, while he himself could have withstood it. Perhaps Fox had for the first time admitted to himself that Fox Film and Fox Theatres might actually collapse.

That prospect had definitely occurred to Fox's principal creditors, John Otterson and Harry Stuart, to whom he owed a total of \$27 million. Toward the end of November 1929, on the day they'd learned about his secret negotiations to sell West Coast Theaters to Warner Bros., they arrived together at Fox's apartment and demanded power of attorney to run Fox Film and Fox Theatres. They considered the companies effectively bankrupt, they said, and had lost all faith in Fox's leadership. After listening to a ten-minute tirade from Otterson, Fox left the room and went to sleep in an adjoining bedroom.

That night he reconsidered. He had no other ideas. The next day, he sent for Stuart, who now presented a milder version of the proposal. The three of them, Fox, Stuart, and Otterson, would form a voting trust solely for the purpose of arranging long-term financing for the Fox companies' debts. Fox would continue as the head of Fox Film and Fox Theatres, and once the money was in place, the voting trust would end. Fox thought the plan "really sounded wonderful."

His elation didn't last. On November 24 at the University Club,

Stuart and Otterson handed Fox a two-page memo specifying very different terms. The voting trustees would be able to make any changes in the Fox companies that they thought advisable, and two votes would carry any decision. New boards of directors would be appointed. Fox would remain in charge at the option of the trustees. And there would be no time limit for the trust. The memo ended, "May ask for more." Fox was stunned. "I said I would like to take this home and think it over, which I did, and of course there was only one conclusion which I could possibly reach with a memorandum like this, and that was to tell them both to go to hell."

He had been living in "a fool's paradise," Fox realized. "I said, 'Well, now, boy, wait a minute. You had better get yourself a lawyer.'"

About a week before the University Club meeting, Fox had hired Joseph N. Hartfield, a senior partner with the prestigious Wall Street law firm White and Case. A short, rotund Kentuckian who, according to Fox, had a habit of imitating Sarah Bernhardt's acting poses, Hartfield was considered a genius at corporate reorganization. "Nothing that he doesn't know," people said. "A banker's lawyer." Fox had given Hartfield a \$100,000 retainer and promised him \$1 million if he settled the Fox companies' problems.

Now Fox had second thoughts. "Did a well-known Wall Street lawyer who was subservient to all banks and bankers—was I safe in the hands of that type of man?" No, he decided. He wanted a new lawyer, a "big man."

One name shone brighter than all others: Charles Evans Hughes. Two-time governor of New York, a former associate justice of the U.S. Supreme Court, the 1916 Republican presidential candidate who lost only narrowly to Woodrow Wilson, and U.S. secretary of state from 1921 to 1925, Hughes had reentered private practice in New York in 1925. With his chiseled features, broad forehead, blue eyes, and silvery white mustache and beard, he radiated authority. U.S. Supreme Court judge Robert H. Jackson would later say that

Hughes "looks like God and talks like God."

On the morning of Monday, November 25, 1929, the day after the University Club meeting, Fox met Hughes at his office. Hughes had good reason to clear time on his schedule. After a career spent mostly in relatively low-paying public service, he had returned to his law practice to make money. At sixty-seven, in declining health after a breakdown two years before, he knew his time was limited. Moreover, although in a good year he had billed straight legal fees of \$400,000, his income had declined significantly after June 1, 1929. On that date, his son Charles Evans Hughes Jr. had been sworn in as U.S. solicitor general, the second-highest position in the Department of Justice. A large number of the senior Hughes's big cases had been against the government, and to avoid the appearance of impropriety, he could no longer accept that type of work. Fox was therefore a highly attractive prospective client: he still had an enormous personal fortune, and his adversaries were other private parties, not the government.

Fox and Hughes talked for more than three hours. Exhausted and confused because he was sleeping an average of only two hours every night, Fox confessed, "I can't think any more." Don't worry, Hughes replied. From now on he would do the thinking for him.

When the conversation ended in the early afternoon, Hughes extended his hand. Fox recalled, "I felt a grip of friendship. He asked me to dismiss the matter from my mind and indicated that he had broad shoulders and that he was willing to have this burden placed on his shoulders."

Fox hired Hughes that day. Feeling safe, he went home and slept for forty-eight hours.

Two days later, devastating news arrived. On Wednesday, November 27, 1929, U.S. attorney general William D. Mitchell filed an antitrust lawsuit against Fox Film, Fox Theatres, and Fox personally in connection with the Loew's shares purchase. Charging a violation of the Clayton Act, the lawsuit asked the court to compel the Fox companies to divest themselves of all their Loew's stock. Allegedly, if the Fox-Loew's merger were completed, Fox would control 40 percent of U.S. film production, constituting an illegal

infringement of competition. Although the lawsuit was filed on November 27, it was dated two days earlier. Fox couldn't help but wonder: was it merely a coincidence that on November 25 he had confided the details of the Loew's purchase to Hughes and that Hughes's son was the U.S. solicitor general? Hughes denied any connection and "seemed mystified."

Steering the conversation back to the voting trust, Hughes urged Fox to go along with the voting trust idea. This was the easiest way, he counseled, and the objectionable terms could be eliminated. Fox recalled, "He told me he knew the telephone company. He had represented them at various times. He understood their methods and their ways, and . . . he was sure that no harm would come to me under this arrangement." Weary and anxious, Fox acceded, telling Hughes, "I trust myself entirely in your hands. There was no use in my coming here if I am not going to act as you advise."

As news of the Fox companies' crisis spread, Wall Street operators smelled blood. On Friday, November 29, 1929, while Hughes was preparing the voting trust agreement, Fox learned that a bear raid on Loew's stock was planned for the following Monday, December 2. Major investors were planning to throw their Loew's shares onto the market in order to drive the price down and wipe out the 35 percent margin Fox had arranged earlier with his thirteen brokers. That would force a margin call on Monday, requiring Fox to provide more money. Because he didn't have more money, his brokers would sell all his Loew's shares. He would be ruined.

It was never clear who initiated the plot or how exactly they would benefit, but one person knew about it as soon as Fox did, and tried to exploit the opportunity. That Friday evening, Harley Clarke, who was in Chicago, sent Will H. Hays to see Fox at the Ambassador Hotel. Hays, the founding president of the Motion Picture Producers and Distributors of America, asked Fox how much he wanted for the Fox Film and Fox Theatres voting shares. A month earlier, Fox had quoted a price to Clarke of \$100 million. Now he told Hays he would accept \$33\% million.

On Saturday, when Clarke phoned to accept Fox's price of \$33\% million, Fox said he needed at least \$6 million by Monday morning. Otherwise, there might be nothing left of the Fox companies for Clarke to buy. Clarke promised to send a Chase Bank representative the next day to give Fox a written commitment for \$6.5 million. On Sunday, he changed his mind and said he would take an early train to New York and give Fox a certified check by 9:15 a.m. on Monday —well in time for the New York Stock Exchange's 10:00 a.m. opening bell.

By now, Fox knew better than to depend on Clarke. At the urging of his friend Albert M. Greenfield, he also asked for a loan from Eastman Kodak, where every year Fox Film bought more than \$5 million worth of raw film. Over the phone on Friday evening, Fox explained his predicament to George Eastman, the company's seventy-five-year-old founder. Eastman, who had stepped down as company president in 1925 but remained chairman of the board of directors, agreed to do what he could.

Fraught with anxiety, Fox suffered through the long weekend, and on Monday morning, December 2, 1929, he found himself staring at doom. At 9:50 a.m., Clarke hadn't appeared, even though his train had arrived on schedule at 8:45 at Grand Central Station and even though it was only a five- to ten-minute walk to the Ambassador Hotel. Neither had Eastman Kodak sent any word. Fox said, "You watch that damn clock go around by the minute—9:51, 52, 53, 55..."

At 9:56 the phone rang. It was Fox Film's lawyer, Saul Rogers, in Rochester, New York. Eastman Kodak had called a special board meeting that morning and had already deposited \$6.3 million in Fox's account at Bankers Trust. There were no conditions to the loan. Fox saw this as another miracle: "Every proof that an atheist is wrong—that there is a God in heaven and that He protects and looks over us and takes care of us."

Frantically, half a dozen Fox employees called all thirteen brokers before 10:00 a.m. and told them to deliver their stock to Bankers Trust to be paid in full for it.* Soon afterward, Fox gave Eastman Kodak an exclusive five-year contract to supply all Fox

Film's film needs.

As for the feared bear raid that day on Loew's stock, it didn't take place. Fox believed that those who were behind it—his friends pointed to Chase Bank president Albert H. Wiggin and Matthew C. Brush, president of the American International Corporation and a prominent stock market operator—had learned that the gambit would fail and so had called it off.

At 10:30 a.m., Harley Clarke strolled into Fox's suite at the Ambassador Hotel. Had he been their only hope, the Fox companies would have been ruined. Clarke apologized, but offered no explanation either for his delay or for the fact that he didn't have the promised \$6.5 million certified check. Instead, he pulled out of his pocket a sale memorandum proposing to buy Fox's voting shares in Fox Film and Fox Theatres for \$33\% million.

"But, of course, there was just a little bit of crookedness to it—not much, just a teeny weeny little bit," Fox would recall. He himself would receive the \$33½ million because the voting shares were his personal property. However, in order to get the money, he would have to direct Fox Theatres to sell to Clarke's nominee all 660,900 shares of Loew's stock for another \$33 million, stock for which Fox Theatres had paid \$73 million within the past year. Essentially, Clarke was offering Fox a \$33½ million bribe to hand over the Loew's shares at a fraction of their worth. He and Fox would each reap a huge windfall, while Fox Theatres would get stuck with a \$40 million loss.

Fox expected he would wind up in prison if he accepted. "And, by the way, of course the \$33 million was to be paid on the installment plan. I probably never would have gotten to the second payment. I think the first payment provided for three or five million dollars, and then over a period of three or four years I would get the rest." A partner from Charles Evans Hughes's firm, Richard Dwight, was also present, and after reading Clarke's memo, he told Fox, "This is ridiculous. You can't do that." He didn't.

Three days and nights of feeling as if the world were ending had

worn Fox out. On Tuesday, December 3, he went to Charles Evans Hughes's office and agreed to sign the voting trust contract. Stuart and Otterson had agreed that the trusteeship would have authority only to arrange long-term debt financing and that the only management change would be to reconstitute the board of directors with four members of their choosing and four of Fox's. One question yet remained. Did Fox want Hughes to represent him personally or to be the attorney for the trusteeship?

"I said that whichever he thought was the best for me, I wanted him to do," Fox said. Hughes insisted that Fox had to decide for himself.

Fox chose to have Hughes represent the trusteeship. If Otterson and Stuart "were going to be the kind gentlemen they said they were going to be," he reasoned, then he wouldn't need a lawyer to fight them, and Hughes would be most useful as a guiding hand for the group.

Fox signed the voting trust agreement that day. (A few years later, he would say that he thought he signed it on December 5, but the facts are consistent with December 3.) That evening at the Ambassador Hotel, he met with Winfield Sheehan, who had returned around 7:30 p.m. from two months in London. In a conversation that lasted until 4:00 a.m., according to Sheehan, Fox said he was "very happy" with the voting trust and described it as "a master stroke" and "the finest financial achievement of his entire business career."

Immediately events went askew. The first meeting of the voting trustees took place not as it logically should have, at the Fox offices, but at AT&T headquarters at the corner of Dey Street and Broadway. Instead of Charles Evans Hughes, whom Fox thought he had hired to represent the voting trust, Hughes's law partner Richard Dwight attended—and Dwight seemed clearly to favor Otterson and Stuart. After shuffling Fox into a chair in the middle of one of the long sides of the conference table, Dwight seated Otterson at the head of the table and began to suggest that Otterson be named chairman of the trusteeship.

"Wait a minute," Fox interrupted. What did Otterson know

about the motion picture business? "It is not a question of how these chairs are set as to who is going to be chairman here . . . If there is going to be a chairman in this darn thing, I want to act as that."

He won the point, and changed chairs with Otterson. As soon as Fox sat down, he fell fast asleep. When he awoke, he discovered that Otterson and Stuart had appropriated checks totaling \$490,000, which Fox had borrowed against his \$6.5 million in life insurance policies, and had put the money into a pool to support the margined stocks. Fox had received the checks only that morning and hadn't told anyone there about them because he considered them his personal property.*

Briefly, Otterson and Stuart did make themselves useful. They arranged for two banks to lend Fox \$3 million so he could get some additional margined shares (mostly Fox Theatres and Fox Film stock) out of his brokers' hands and not have to worry about their fate in a plunging market. They also persuaded Isidore Ostrer, who wanted the last \$7 million due on the \$20 million British Gaumont theater chain purchase, to accept \$1 million in cash now and wait at least six months for the rest of the money. And Otterson and Stuart arranged for eleven banks, where Fox owed several million dollars, not to call in their loans until a refinancing plan was in place.

These efforts weren't entirely heroic. Fox had to put up \$6.5 million worth of collateral in exchange for the \$3 million in bank loans, and he had supplied the \$1 million payment to Ostrer by cashing in four of the remaining \$250,000 Warner Bros. notes from the First National sale. (The Warners redeemed the notes at par to protect their credit reputation.) As Fox saw it, Stuart and Otterson had simply opened a few doors so he could get a square deal.

Had that been the worst of it—procedural squabbles and a sense that Otterson and Stuart weren't as noble as he would have liked them to be—Fox probably would have gotten along for the sake of his companies. Plausibly, the better he got along with his co-

trustees, the sooner he would be rid of them. Within days, though, his disgruntlement turned to horror. Otterson and Stuart, he realized, intended to depose him.

At Charles Evans Hughes's office on December 3, Stuart and Otterson had verbally pledged that when they reorganized the Fox Film and Fox Theatres boards of directors so their companies could gain representation, Fox could name four of the eight directors. Fox wanted himself, Jack Leo, Winfield Sheehan, and Nathaniel King. Otterson and Stuart had agreed.

On Sunday, December 8, 1929, however, lawyer Joseph Hartfield told Fox that Otterson and Stuart were planning not to nominate Jack Leo to return to the Fox Film board because Leo was too close to Fox, too likely to tell him everything. Fox put the pieces together. If Stuart and Otterson could reconstitute the board without Leo, "what was to prevent them from eliminating me at this next board meeting?" The voting trust agreement didn't guarantee board membership for Fox. It stated only that he would remain president of both Fox companies.

The realization that he had made "a terrific mistake" in signing the voting trust agreement literally sickened Fox. "I had taken that which I had earned by the sweat of my brow as a result of hard labor for twenty-five years and . . . I had parted with it."

That night, he left the Ambassador Hotel and returned home to Fox Hall with a temperature of 103.5. Hartfield's information about Leo was correct. On Monday, December 9, 1929, a front-page item in *Film Daily* reported that Leo was "understood to be leaving" as vice president of Fox Film, Fox Theatres, and Fox-Case.

Fox remained bedridden and in seclusion at Fox Hall until the end of the week. During that time, he learned from allies within his companies that Otterson, Stuart, and Sheehan were preparing to reorganize the Fox companies' top management. That was something else they had pledged not to do, but would be able to do once they controlled the boards of directors. Already they had summoned Harold B. Franklin, who earned \$50,000 a year as the Los Angeles-based president of West Coast Theaters, to New York. According to Fox's informants, Franklin was in line to replace Fox

as president of Fox Theatres in a deal that would give him \$150,000 a year, plus 10 percent of net profits. Fox had never taken any compensation at all—no salary, no profit participation, no reimbursement for personal expenses—and Fox Theatres was now at the height of its prosperity.

The more Fox brooded, the more agitated he became. On Thursday, December 12, 1929, he summoned Sheehan to Fox Hall. Despite rumors that Sheehan had become friendly with Otterson and Stuart, Fox still trusted Sheehan—at least, he still trusted that Sheehan could be won back to his side. Drawing on the presumed warmth of their nearly twenty-year association, Fox asked him to prepare a statement of loyalty to be signed by company executives. Several times in the past, on his own initiative, Sheehan had presented Fox with colorful, embossed resolutions declaring him a peerless leader. Now Fox wanted to know "who is going to stand by and who is going to run out."

That wasn't practical right now, Sheehan replied.

"This is the first time I have asked for any support," Fox said.

Sheehan refused.

Fox then asked that he at least remain loyal and not let Otterson and Stuart mislead him. Fox recalled, "To this statement he made no reply, pleading illness. He said he had a sore neck and couldn't stand up, and laid [sic] down at the foot of my bed."

On Saturday, December 14, *Motion Picture News* reported that Stuart and Otterson had taken "complete control of the Fox companies" and that Sheehan was "working hand in hand" with them. The next day, lawyer Hartfield told Fox, "It is their intention to depose you." According to Hartfield, in addition to having Franklin replace Fox as president of Fox Theatres, Otterson and Stuart planned to name Sheehan as the new president of Fox Film, and Stuart thought Fox should leave the country for six months to avoid all the humiliation they intended to heap on him.

Any hope that all the rumors might be false was dispelled the following morning. Reading the front page of the Monday, December 16, 1929, *New York Times*, Fox learned that his fellow trustees had "definitely decided" that instead of merging Fox Film,

Fox Theatres, and Loew's into one organization, they were going to form a holding company to take over the three businesses. It sounded like an innocuous substitution of terms, but for Fox, the implications were harrowing.

A merger would have raised money by absorbing Fox Theatres and Loew's into Fox Film and issuing 3 million new shares of nonvoting stock. The creation of a holding company, however, would require the dissolution of Fox's all-important voting shares because the New York Stock Exchange allowed no new company listings to have two classes of stock. According to Otterson and Stuart's plan, each voting share was to be exchanged for 1.5 nonvoting shares. Therefore, at current market prices, Otterson and Stuart would be able to gain control of Fox Film and Fox Theatres for only \$2.7 million. Fox believed his voting shares were worth \$100 million, and just two weeks earlier, Harley Clarke had been willing to pay \$33½ million for them.

This chain of events, Fox said, "convinced me beyond the shadow of a doubt that I had no moral obligation under the trust agreement." His lawyers advised him that he had no legal obligation either, because Otterson and Stuart had breached the terms of the contract, which explicitly stated that the purpose was to "maintain and preserve the organization." After only thirteen days, Fox decided that the voting trust was over.

The next day, on December 17, 1929, Fox told lawyer Richard Dwight that he would not continue with the voting trusteeship. He would arrange the refinancing on his own. "I didn't know how, but I knew it had to be done."

Who was in charge at the Fox companies?

Fox claimed he alone was. Stuart and Otterson insisted that they were, that the voting trust was still in effect. It wasn't clear who was right.

While Stuart and Otterson had the voting trust contract on their side, Fox had actual power. He had not yet submitted the resignations of his companies' officers and directors so that those

positions could be reassigned. Neither had he taken the final steps to transfer authority over the Fox Film and Fox Theatres voting shares, which entirely controlled the appointment of board members. Therefore, only Fox could appoint new board members and officers. Otterson and Stuart were paper tigers.

But paper tigers could still roar. Instead of closing their briefcases and returning to their own companies, Otterson and Stuart courted support among the Fox companies' top executives.

Perhaps it was a consequence of Fox's aloof, autocratic management style. Or maybe it would have happened anyway, this hopeful enthusiasm about a new blank page of leadership. On December 17, 1929, six members of the Fox companies' top management signed a document calling for Fox to return to the voting trust.

This "round robin letter," as Fox would term it, had been instigated by Sheehan. It condemned Fox's repudiation of the voting trust as a "highly immoral" act that would entail "nothing short of disaster." In addition to Sheehan, those who signed were Saul Rogers, vice president and general counsel of both Fox companies; James R. Grainger, head of Fox Film sales; Sheehan's brother Clayton, Fox Film's foreign sales manager; John Zanft, vice president and general manager of Fox Theatres; and Courtland Smith, general manager of Fox Movietone News. With the exception of Grainger and Smith, all had been nobodies before Fox hired them.

Fox was angry and hurt, most of all by Sheehan, who had signed the round robin letter first. Fox waited nearly a week to confront him. On December 23, 1929, he called Sheehan to a meeting and accused him of disloyalty. Sheehan protested that he and others were acting simply from a "frank and honest conviction of what was good for the company" and also for Fox himself. Fox allowed himself to be swayed. According to Sheehan, "Mr. Fox thereupon threw up his hands and said, 'We will leave it go at that. You were misled.'"

He also forgave John Zanft, whose convoluted explanation was that if he hadn't signed the letter, the others would have known he was on Fox's side and then he couldn't have continued to be useful to Fox. "That reasoning sounded perfectly all right to me," said Fox. "So I overlooked it, but made him promise he wouldn't sign any more papers that were [not] to my best interests."

Some of it was his own loyalty. Fox had never fired any of his top executives. Some of it was pride. As he later said, "I am not going to cry and weep and whine over a letter that was sent to me by my executives called the round robin letter. If I carefully selected those men and if I had not made an error in my judgment when I first engaged them, there could not have been a round robin letter. I had selected these men for their offices and therefore I must accept the responsibility."

While officially maintaining "a complete and stony silence," Otterson and Stuart began a whispering campaign against Fox. Rumors circulated that he had cooked the Fox companies' books to cover up the fact that both Fox Film and Fox Theatres were nearly broke. Allegedly, he had lied about their earnings, failed to list large liabilities, mismanaged operations, and saddled the companies with colossal debt through reckless stock market speculation.

"Wicked falsehoods," Fox labeled these claims. Indeed, in a letter to creditor banks drafted on December 12, 1929, Stuart and Otterson had stated that "the trustees thoroughly believe that the companies are entirely solvent" and predicted that, together, Fox Film and Fox Theatres profits for 1929 would total \$16 million.

Yet the whispering campaign took a toll. Traders hammered Fox Film stock on the floor of the New York Stock Exchange. On Thursday, December 19, 1929, the share price fell from the previous day's close of 35 to an all-time low of 23, before crawling back up to 251/4 by the end of trading.

Otterson also put out the word that he was devoting all his time to managing Fox Film and Fox Theatres. Unnamed "outstanding figures"—no doubt solicited by Otterson—popped up in the press with quotes such as "I consider John E. Otterson one of the smartest financial men in New York" and "The AT&T won't move without

Otterson. That's the kind of fellow he is." (The latter statement went a bit too far: as president of ERPI, Otterson merely headed a subsidiary of the Western Electric subsidiary of AT&T.)

Was that not sufficient humiliation? No? There was more. On Thursday, December 19, the low point so far for Fox Film's stock, Sheehan was the guest of honor at a dinner at the Ambassador Hotel for about sixty, including former Fox friends Mayor Jimmy Walker and ex-New York governor Al Smith. Fox had been one of Smith's most prominent supporters and had served on the committee that sponsored Walker's reelection campaign. The Sheehan fête was a lighthearted affair, filled with jokes and cigar smoke and "jubilation," completely oblivious to the raging tempest over control of the Fox enterprises. Surely it was no accident that the event was held at the Ambassador Hotel, where Fox now lived more or less full time. He did not attend.

As others fraternized and celebrated, Fox became increasingly alienated and encompassed by gloom. His decision to withdraw from the voting trust caused an argument with Hartfield, and now he hired yet another lawyer, Clarence Shearn, a former New York state appellate court judge who had been William Randolph Hearst's personal lawyer. Short, slender, and bald, sixty-year-old Shearn impressed Fox not only with his fighting spirit—for years he had successfully opposed the Tammany Hall political machine—but also with his warm, sympathetic manner. At their initial interview at Fox's apartment at 270 Park Avenue, Shearn listened for nearly five hours as Fox poured out his troubles. Here, Fox thought, just as he had thought when he met Charles Evans Hughes, was "a kind gentleman" who would set aside his own concerns and take up a client's cause as if it were his own.

Where was Fox's intended savior, the magisterial Charles Evans Hughes, who had clasped Fox's hand when they first met on November 25, 1929, and assured him that he would do all the thinking for him? On December 23, 1929, Hughes and his wife, Antoinette, set off for a vacation in Bermuda that would last until

January 11, 1930. It was his third vacation of the year. A photo of him and his wife in Bermuda shows the couple looking happy and carefree on a stroll through the tropical greenery. Although it was only because of Hughes that Fox had agreed to have Hughes, Schurman and Dwight serve as counsel for the voting trusteeship in the first place, Hughes had handed the Fox case off to firm partner Richard Dwight, and Fox would never see Hughes again.

Hughes was so little interested in any of his cases that in a two-and-a-half-page chapter called "Practice Again, 1925–1930" in his *Autobiographical Notes*, he writes mainly about public service activities, and he sums up his work at the firm in two sentences: "My practice was large, varied and lucrative. I shall not attempt to enumerate, much less to describe, the interesting, important and difficult cases in which I appeared." He made no reference to the Fox case. According to John Lord O'Brian, who knew Hughes "quite intimately," Hughes "didn't take things personally to heart." Theodore Roosevelt had a harsher assessment. "The bearded iceberg," Roosevelt called Hughes, deeming him as "a fairly good man . . . and an inordinately conceited one" who spent too much time looking out for his own interests.

On Monday, December 23, 1929, news of the trustees' fight came out into the open. At AT&T headquarters, Otterson had called a meeting of representatives of the eleven banks where Fox had unsecured loans totaling \$6.85 million. Some of the loans had been overdue since December 9, but during the fleeting honeymoon phase of the voting trust agreement, Otterson and Stuart had persuaded the banks not to press for payment pending a comprehensive refinancing plan. Fox's latest new lawyer, Clarence Shearn, told the group of about thirty that Fox had withdrawn from the voting trust. According to Fox, lawyer Richard Dwight, representing Otterson and Stuart, acknowledged that the agreement was defunct. Otterson and Stuart later denied that claim.

Regardless, with Fox dead set against Stuart and Otterson, the bankers were not going to get their money the way they'd expected.

To assuage their fears, Fox offered to collateralize their loans with real estate belonging to Fox Film. He had \$20 million in properties against which there were no mortgages, he said. The bankers could look over these holdings and choose \$2 worth of property for every \$1 the Fox companies owed. However, after one banker asked whether Fox hadn't already pledged those assets as collateral for his \$12 million loan from Halsey, Stuart (he hadn't), the meeting then broke up in confusion and consternation.

Fox went home and immediately wrote to the heads of the eleven banks pleading for loan extensions. "We received no replies whatsoever indicating that anybody wanted to help."

A few days later, the bankers ran for cover. On December 28, 1929, four banks wrote to Fox demanding immediate payment of a total of \$1.7 million. The rest of the banks would soon follow. Fox didn't have the money.

The news traveled quickly around the world. In London, Isidore Ostrer, who had given Fox a six-month extension to pay the remaining \$6 million for the Gaumont theaters, demanded settlement right away. Fox said, "He kept cabling for his money and then shortly thereafter he started a legal proceeding."

There was more at stake than just the future of Fox Film and Fox Theatres. If they were to go under—as they probably would if an unpaid creditor pushed them into receivership—the event would rank as the largest business failure in U.S. history. The psychological effect on a country already in a state of financial panic was unfathomable.

Yet, it made no sense for Fox companies to be smashed up. Both were ending 1929 at the height of their prosperity, and together they employed twenty-five thousand people in good jobs and financially supported many ancillary businesses. Could they really not be saved?

When Republican National Committee chairman Claudius Huston offered to help, Fox sent him to ask President Hoover to tell the banks to back off and give him a chance to recover. In particular, Fox wanted that message delivered to Chase Bank chairman Albert Wiggin, who he believed was leading the bankers' blockade against him on instructions from Chase's largest depositor, AT&T.

It was a fool's errand. According to Richard Hofstadter, Herbert Hoover had "a vein of arrogance beneath his matter-of-fact exterior Accustomed as he was to successes and popular esteem, to managing men and machines with remarkable effects, it is unlikely that he had ever felt helpless before the bigness and difficulty of the world." Hoover refused to intervene directly for Fox, but allegedly authorized Huston to speak for him to Wiggin. Huston told Fox he would have the conversation when he went to Wiggin's home for Christmas dinner.

On December 26, 1929, Huston grimly reported back to Fox. Allegedly, Wiggin resented the president's "interference" and told Huston to tell Hoover to mind his own business. Wiggin later denied any such conversation, calling the story "absolutely and entirely false," and said that Huston had never been to his house on Christmas or any other day. Wiggin scoffed, "The incident can exist only in Mr. Fox's imagination." Given the characters and motivations involved, it's more likely that it did than didn't happen.

As 1929 ended in chaos for the Fox companies, Fox returned to Fox Hall for his thirtieth wedding anniversary on December 31. Every year since their wedding, he and Eva had spent that date together celebrating their anniversary, the coming New Year, and his birthday the following day. This year, too, he went home. But this year was different. "It was a celebration that I would rather forget than remember."

Although previously Fox had always found Eva to be "a very devoted wife," since Black Tuesday, October 29, they had grown far apart. While she lived at Fox Hall, Fox had been spending almost all his time in Manhattan. He wouldn't do business over the phone from Fox Hall because "I instinctively felt that every word I uttered was being listened to" by AT&T. "I not only couldn't come home,

but I couldn't take the time to write to her. I would occasionally telephone and lied like hell every time I had her on the wire," he said. "I told her my affairs were getting better each day, and as a matter of fact they were worse. She knew I was lying because [her brother Jack] Leo was telling her about the tragedy I was going through."

In mid-December, when Fox returned briefly to Fox Hall after being sickened by the news that Otterson and Stuart planned to get rid of him, Eva also became seriously ill and was bedridden. He recovered; she didn't.

Fox didn't explain exactly what happened on their anniversary, but evidently Eva was angry and distant and offered none of the uplifting encouragement he expected. Misinterpreting her attitude as a lack of affection, he returned alone to Manhattan the next day. It was the lowest point of his life. Not only had his dream of a motion picture empire become a shambles, but also he had imperiled the warm, stable family life that represented "the thing that I had loved most."

War

For modern capitalism is absolutely irreligious, without internal union, without much public spirit, often, though not always, a mere congeries of possessors and pursuers.

> —JOHN MAYNARD KEYNES, LAISSEZ-FAIRE AND COMMUNISM, 1926

It was Fox's elder daughter, Mona, twenty-nine and with her scandalous divorce about to be finalized on January 24, 1930, who reconciled Fox and Eva. After witnessing the rift between them on their thirtieth wedding anniversary on New Year's Eve 1929, she wrote a letter to her father. In the hothouse atmosphere of their home, where few emotional windows ever opened to let in fresh air, the "romantic," fanciful Mona had never really grown up. "Nice boy, dad dearest," her letter began. "Listen, dear one—I want to talk to you about Mommy," she wrote. All "Mommy" wanted was to be included and to help, and it had caused her no end of anguish to feel left out. "Courage—General mine—we love you so—courage—General mine—we need you so. Your own Mona."

Receiving the letter in Manhattan on New Year's Day, Fox decided that he had misconstrued Eva's attitude and that, instead of an angry wife, she was a "poor soul suffering the tortures and agonies of hell" in sympathy with him. The following day, Eva moved from Fox Hall to their apartment at 270 Park Avenue. From

then on, she remained at his side. He said, "No conference took place without her standing by the door of the room where it was being held and listening in. No telephone message came without her being on the other end of the wire. She no longer was going to trust me to tell her what was occurring. She was going to know for herself."

Often he deferred to Eva's judgment. He never regretted these choices—although, given the consequences, he might well have.

On January 2, 1930, the day that Eva arrived in Manhattan, another crisis arose. Three weeks earlier, concerned that the mysterious voting trust had put them in the position of sitting ducks, a small flock of Fox Film Class A nonvoting stockholders had formed a protective committee in New York. The group vowed "to get at the bottom of the entire situation." At first, no one paid any attention to the committee because no one recognized the names of any of the organizers, and it did nothing.

In the New Year, however, with the press portraying Fox as "unmovable, almost defiant," a loud squawk arose. On January 2, the protective committee's lawyer, Stanley Lazarus, announced that because Fox company officials hadn't revealed any financial data, he believed receivership was probably inevitable. If Fox Film's creditors didn't apply for a court-appointed receivership, Lazarus said, the shareholders might do so for their own protection. Within half an hour of Lazarus's statement, Fox Film's stock price plunged by nearly 30 percent, dropping from 235% to 17. By the close of trading, the price had regained only one-quarter of a point, resulting in a one-day paper loss of \$3.8 million.

That evening, a chastened Fox finally released a statement with hard numbers. Fox Film, he said, had assets over and above all liabilities of \$73 million; 1929 profits exceeded \$13 million, and 1930 profits were projected at \$17 million. Mollified, the stockholders' protective committee backed off from its receivership threat, but did not disband.

At the same time, financial pressures intensified to try to compel

Fox to return to the voting trust. Banks continued to call in their loans, and another meeting with bank officers in early January 1930 failed to produce any forbearance. Fox tried again to offer collateral, but the bankers wanted their money, only their money, and they wanted it now. Fox recalled, "[Y]ou might just as well talk with a stone wall. No one would do anything."

That is, they would do nothing to help save the Fox companies. Five of the eleven banks soon filed suit to recover their money. At those where Fox had deposit accounts, the company's money was seized at every branch around the world and applied toward the loan balance. With no advance notice, Fox company checks came back marked "N.G." ("no good")—the first time that had ever happened. Fox later remarked that a banker "is a man who loans you an umbrella when the sun is shining most beautifully and insists upon the return of the umbrella when it is raining the hardest."

Seizing money at least was logical. What didn't make sense, stirring Fox's suspicions of a conspiracy against him, was that at the Paris branch of the Guaranty Trust, where Fox had never borrowed money but often deposited very large sums, officials told the studio to clear out because "We don't want any Fox account in this bank." They gave no reason. Grim confidences fed Fox's worst fears. "Banking friends who were life-long acquaintances came to me secretly and told me that they wanted to help but they dared not; that to come to my assistance at this time would bring down upon their heads the resentment and enmity of the most powerful forces on 'The Street.' They told me that the gods of Wall Street had practically proclaimed my doom and that nothing on earth could prevent this great money-machine from mowing me down."

Still, he wouldn't return to the voting trust. Neither would Otterson and Stuart abandon the agreement. By the second week of January 1930, more than two months into the Fox companies' financial crisis, no constructive action at all had been taken. The rumblings of war began.

Halsey, Stuart fired the first shot. On January 8, 1930, the firm called in the \$12 million loan it had made to Fox for the Loew's stock purchase even though the debt wasn't supposed to mature until April 1, 1930. The firm claimed that by incurring another \$9 million in other short-term loans in July and August 1929, mostly to support the British Gaumont theaters purchase—debts that were now more than thirty days overdue—Fox had violated the terms of their agreement. Their entire \$12 million loan was therefore immediately due and payable.

"There has been no default. You know there has been no default," Fox retorted in an angry three-page reply dated January 10, 1930. Halsey, Stuart had no business complaining about the Gaumont purchase because "you participated in the negotiations, you met the English representatives with whom I dealt, you consulted and advised with them and me, and there was not a single development in the enterprise with which you were not fully familiar before they were made and entered into."

Far from being his aggrieved victim, Fox charged, Halsey, Stuart was his co-adventurer. As proof, Fox cited the August 30, 1929, letter that the firm had induced him to sign promising a \$1 million payment for its efforts "in studying the financial requirements and devising plans for financing" the Fox companies. "What were you studying and what were you devising, except the Loew purchase and the English commitment?"

In his closing paragraph, Fox threatened, "Is your letter a challenge? If it is, I am not as unprepared to meet it as you seem to think."

As he wrote those words, Fox had already begun to mobilize for war. Around late December 1929, to get the money to pay off Otterson and Stuart and thus deprive them of any basis for interfering with his companies, Fox had formulated an idea to sell bonds directly to his exhibitor customers and the public. The plan was modeled after Henry Ford's successful effort nine years before. In January 1921, mired by the postwar business recession, with his

factories closed and stuck with 125,000 unsold cars while he owed \$55 million in taxes and \$30 million in notes, Ford rejected a \$75 million offer of help from Wall Street. A banker visiting Ford's home in Dearborn, Michigan, had told him he would have to submit to supervision of Ford Motor Company spending. "I handed him his hat," Ford said, "showed him where the door was and told him to take his things and get out right quick." Instead, Ford asked his dealers to pay in advance for car deliveries and to get the money by borrowing from local banks. Thus, he got loans from small banks around the country indirectly, without incurring the onerous conditions that large investment banks expected to impose. By April 1921, Ford had received \$69 million, and by June 1, with all his debts paid, he had \$36 million in cash. Ford was hailed as a genius, even by the Wall Street establishment he had spurned.

"Why couldn't Fox do the same thing?" Fox wondered. In place of Ford's dealers, Fox Film had as its merchants some eight thousand theaters in the United States and about an equal number in foreign countries. At least half of those theaters relied heavily on Fox movies. If each exhibitor bought \$2,000 in bonds, his problems would be solved.

To design "a perfect bond," Fox hired John Thomas Madden, dean of the New York University School of Commerce, and instructed him to protect the plan so well that even if an exhibitor didn't have \$2,000 available, he would be able to borrow the money from a local bank and give the bond as collateral. The result was Fox Securities, incorporated on January 15, 1930.

The new company planned to offer \$35 million in 7 percent, three-year gold notes backed by \$70 million in other securities, assets, or equities. Of course, \$35 million was not the \$93 million Fox needed to discharge all his short-term debts. However, it was more than the \$27 million he needed to pay back his loans to AT&T and Halsey, Stuart—and that was his main goal. Once Otterson and Stuart's companies had their money, the voting trust would indisputably end, and Fox would indisputably regain control of Fox Film and Fox Theatres.

As president of Fox Securities, Fox appointed David A. Brown, a

well-respected Detroit businessman and philanthropist who had recently moved to New York to establish the Broadway National Bank and Trust Company. The Scottish-born son of poor Polish immigrants, Brown had made his fortune in Detroit as a coal and ice distributor. Although he and Fox had known each other for more than a decade through charity fund-raising campaigns, Brown had no financial interest in the Fox situation. He had never owned any stock in any Fox company, and neither he nor his bank would receive any fee for services to Fox Securities. "I came into this picture as a friend of William Fox—a friend because I know of the fineness of the man as a man," Brown later explained. "No man who can plead as he does for suffering humanity, no man who has participated in the many activities which aim to make this world a better place to live in . . . no man who gives his money liberally as does William Fox, can be other than fundamentally fine."

Many of the causes for which they had worked were Jewish causes, and therein lay another significant advantage to the appointment. Brown knew "every rich Jew in America," Fox said, and they intended to present Fox's predicament as one of anti-Semitic persecution.

Fox Securities appeared to get off to a blazing start. On January 16, 1930, the day before the bonds were to go on sale, Brown told the press, "Our telephone lines here at the bank have been clogged all day with inquiries, while many potential investors have called in person." Fox Securities, he said, was "a wonderful issue and we anticipate splendid cooperation."

The next day, thirteen exhibitors representing 233 theaters with combined seating capacity of 300,000 met with Fox and Brown at the Ambassador Hotel. After a lengthy discussion, they agreed to buy "substantial" amounts of the Fox Securities bonds. In a four-page statement released that evening, the exhibitors said that auditors' reports of Fox Film and Fox Theatres showed a robust outlook "so different from the stories widely circulated in the press." The exhibitors concluded that it was "a privilege to participate in this financing."

On January 18, 1930, Fox mailed a three-page letter to some

15,000 Fox stockholders, urging them to buy Fox Securities to help thwart the "vicious" Wall Street plot against him. "All my life, since the age of six, I have had to fight the battle of life," he wrote. "I have never been a quitter. I have tried to fight the game clean. And so when I found myself and my organizations sentenced to financial death, I determined to fight this battle as I have fought every battle of my life—in the open, and clean." Let the banking brotherhood do its worst: he trusted the American public. "I am determined that I shall present my case to the square-shooting people of this country, having an abiding faith that when they know the facts they will stand by me and fight with me."

Secretly, Fox hoped that his letter—also distributed to the press—would prompt the U.S. Senate to investigate Wall Street's alleged campaign against him. The federal government, however, had bigger problems to solve than those of one unhappy multimillionaire.

While setting up Fox Securities, Fox decided he wanted yet another lawyer. Already he had hired four to get him out of trouble—Republican Party insider James Francis Burke; the short, rotund Kentuckian Joseph Hartfield; the white-bearded former statesman Charles Evans Hughes; and the sensitive, sympathetic Clarence Shearn. With Burke now in the background and Hughes having gone on vacation to Bermuda, Fox felt the remaining two didn't have sufficient grit for the upcoming battles. Especially he wanted clear of Hartfield, who was urging him to return to the voting trust. However, having promised Hartfield a \$1 million fee if he could save the Fox companies, Fox feared that by firing him, he would invite a lawsuit. Hartfield, then, would have to be made to quit.

It was not Fox's brightest moment. In early January 1930, over lunch at his 270 Park Avenue apartment, he began fighting with Hartfield about the voting trust and around 5:00 p.m., he pushed the argument to a breaking point. Fox recalled, "I then turned to Hartfield and called him all the vile, filthy names that it was humanly possible to call another man and concluded by saying,

'Why the hell aren't you man enough to step out of this case? Why don't you resign? I ought to blow your brains out.'" The tirade lasted half an hour. It worked. Hartfield didn't formally resign, but after Fox subsequently cut off all communication, the attorney gave up and didn't bother to sue.

Unfortunately, Shearn, who was also present and whom Fox recalled as "horrified by it all," quit as well. Fox didn't blame him. "He must have again and again pictured in his mind this mad Fox who said to Hartfield, 'I would be justified in killing you' . . . It was too ugly a fight."

So, now Fox effectively had no lawyers. There was really only one suitable candidate left: the old "gladiator," seventy-one-year-old Samuel Untermyer, who had helped represent Fox in his fight against the Motion Picture Patents Company in the early 1910s and who had established a national reputation as the "big bugaboo" of Wall Street. In 1912–1913, as counsel to a House of Representatives subcommittee investigating the nation's money and credit supply, Untermyer had grilled J. P. Morgan so unsparingly that Morgan's doctor blamed the experience as the major cause of the financier's death from "nervous prostration" on March 31, 1913.

Untermyer also had detailed knowledge about AT&T, especially its interest in motion picture sound patents, which Fox believed to be a driving factor in the campaign against him. Since April 1928, Untermyer had represented Warner Bros. in thirty-one arbitration hearings over the phone company's alleged attempted sabotage of Vitaphone. And in 1925, when Untermyer challenged AT&T's plan to raise New York City phone service rates by 25 percent, he had called the company the "most oppressive of monopolies," one that was "having a fine time fleecing the people." He put on a good show, Untermyer did, often shouting in the courtroom and swinging his arms for emphasis. Nonetheless, he was also renowned for his keen intellect and thorough preparation.

Right after the stock market crash, others had urged Fox to hire Untermyer, and Fox had wanted to hire him to work with Charles Evans Hughes. Hughes, however, had recoiled from the prospect. "He said Untermyer was the lowest type of human that ever lived. He called him a reptile," Fox recalled. The two lawyers were very different, but Untermyer hadn't really had the option to develop a more sedate style. Born in Virginia to a wealthy planter who lost his fortune during the Civil War and died shortly afterward, Untermyer had had to make his own way in the world. Additionally, he was Jewish, a condition that effectively barred him from joining any of New York's prestigious law firms. His first office had been in a store on West Fifty-Fourth Street, and his first clients had been breweries that sold beer to bars throughout the city.

If Untermyer were involved, Hughes told Fox, he would not take the case. So, Fox had chosen Hughes, the insider whose approval he wanted instead of the outsider, Untermyer, whose approval he already had. Then the insider had dropped him, substituting his colleague Richard Dwight, who had immediately sided with Otterson and Stuart against Fox in the voting trust. Yet Fox had clung to Hughes's low opinion of Untermyer. It took Fox Securities president David A. Brown a long time to persuade him that Untermyer was the only lawyer with the courage and skill to beat the banking establishment.

During a meeting on the roof of Atlantic City's President Hotel, where Untermyer kept the penthouse suite, Fox hired Untermyer, who then resigned from the Warner Bros. case. Fox made him the same promise he had given Hartfield: \$1 million if he could save the Fox companies. Soon, Fox realized that Hughes had been entirely wrong. Untermyer "was a gentleman to his fingertips."

Fox Securities was rather like Fox's scheme to sell souvenir miniature frying pans at the 1901 Pan American Exposition in Buffalo, New York: foolproof in theory, but seriously flawed in execution. The main problem was that as collateral for the \$35 million in Fox Securities bonds, Fox had pledged \$70 million worth of property, much of it belonging to Fox Film. Yet it was Fox Theatres that had bought the Loew's and the Gaumont shares. Why should Fox Film be jeopardized to bail out the sister company?

Within a week after the Fox Securities bonds went on sale, three

receivership lawsuits were filed in federal court by Fox Film stockholders. All three charged Fox with illegally trying to transfer corporate assets from Fox Film to Fox Securities. Only one of the three appears to have been legitimate—the first one, filed (as forewarned) on January 18, 1930, by Stanley Lazarus, the lawyer for the Class A stockholders' protective committee.*

Fox suspected that the other two receivership lawsuits were instigated by Stuart and Otterson to prevent him from getting, via Fox Securities, the money to pay them off and push them out of the picture. The second receivership lawsuit, filed on January 20, was prepared by lawyer Isidor Kresel,* who did not explain it correctly to major stockholder Susie Kuser and who had her sign the complaint without reading it. The third lawsuit was filed on January 23 by lawyers Lawrence and Arthur Berenson, brothers representing two Massachusetts clients who had allegedly bought 440 Fox Film shares at \$107 per share, for a total of \$47,080. About ten years earlier, Fox learned, Arthur Berenson had filed a specious receivership suit against the New York, New Haven and Hartford Railroad and was paid "a million or two" to drop the matter. Fox believed that Stuart and Otterson had given Berenson the Fox Film stock to begin this lawsuit.

Of these three receivership petitions—they would not be the last ones—Kuser's wounded Fox the most both publicly and personally. After Fox, Kuser was the single most important Fox Film stockholder. The widow of original investor Col. Anthony R. Kuser, she controlled, through her own holdings and as executrix of her late husband's estate, 19,150 shares of Fox Film Class B voting stock (nearly 20 percent) and 400 shares of Fox Film Class A stock. Her unusual status as a "woman stockholder" ensured ample press coverage, as did the strength and emotionalism of her charges. In a scathing ad hominem attack, claiming a loss of more than \$1 million on her Fox Film stock, Kuser accused Fox of having caused "wasteful strife and controversy," of plunging Fox Film into "grave peril," and of bringing the company to the brink of "slaughter." According to Kuser, in the months before the stock market crash, Fox had selfishly devoted "virtually all of his time" to playing the

stock market "to the utter neglect and disregard" of studio business. For added insult, Kuser tossed in charges that Fox had given sweetheart deals to family members—the theater candy concession to brother Aaron and decorating jobs to wife Eva, with "exorbitant profits."* Altogether, a portrait emerged of an imperious tycoon toying with Fox Film as if it were a personal plaything rather than the dearly held investment of its trusting shareholders. If substantiated, Kuser's allegations would provide a basis for federal criminal prosecution of Fox.

It was shockingly unfair, Fox thought. The late Anthony Kuser's sole cash outlay had been his initial \$200,000 investment in 1915. Through various corporate restructurings, dividend payments, and sales of their shares, Fox estimated that the Kusers had reaped at least \$5.7 million from Fox Film during fifteen years. As Fox understood it, most of the fortune that Kuser left to his widow had come from his investment in Fox Film. Anthony Kuser had certainly been grateful. He had been one of Fox's most ardent supporters and one of his best friends. Nonetheless, Fox had left the door open to this action. He had not attended Kuser's funeral in February 1929 because he'd chosen to stay on the West Coast to await word from Assistant Attorney General Donovan about the Loew's acquisition, and he had gone to great effort to disguise the fact that, for the three months before the stock market crash, he had been recovering from severe injuries sustained in the July 17 car crash. Susie Kuser had no way to know that her accusations were not correct.

Fox immediately issued a detailed public statement refuting all Kuser's accusations. Insisting that he had never mishandled any company money, he said, "Whatever else may happen to me, I propose to maintain my honor."

Within days, ten other Kuser family members, representing about 12,000 Class B voting Fox Film shares and 28,000 Class A nonvoting shares, wrote to Untermyer to declare their support for Fox. Sometime later, Susie Kuser's son, New Jersey state senator John Dryden Kuser, told Fox that his mother believed she had been tricked into filing the receivership lawsuit and that she had no ill feelings toward Fox. Instead, she appreciated all the money Fox had

made for her and her family.

But what was so bad about a receivership? From the lawsuits' language, it sounded like the one means by which Fox Film could be extricated from trouble and saved as a going concern. In fact, the opposite was true. As one attorney involved in the Fox case commented, "[W]e lawyers know . . . that in a receivership it is mostly the lawyers and the trustees and new bankers or new reorganizing gentlemen that come around that do nearly all the receiving." Usually, the common stock was wiped out, with investors losing every cent, while the company's assets were chopped up and sold in pieces to pay debts. In fact, and Fox knew it, receivership was a death knell.

Even before the receivership petitions were filed, Fox knew that Fox Securities wasn't going to work. There were too many problems: the opposition of the banking establishment, which was much stronger than it had been in Henry Ford's day nine years earlier; likely sabotage by the signers of the December 17, 1929, round robin letter, three of whom were the principal contacts of the exhibitors whom Fox expected to buy the bonds; and an annual interest burden of \$2.45 million if the entire \$35 million issue were sold.

Anyone who looked closely at the deal got nervous. Eastman Kodak, for instance, initially indicated it would buy about \$15 million worth, but soon rescinded the pledge. Henry Ford also declined to buy the bonds, despite an in-person plea by David A. Brown, whose late wife had been the sister of Ford's chief architect, Albert Kahn. Ford's only gesture of support was to send a representative to New York to say that Ford would introduce Fox to AT&T president Walter S. Gifford. "I informed him that . . . I needed no introduction, that I had had the pleasure of having met Gifford," Fox said. "It reminded me of the saying, 'All roads lead to Rome.'"

Even the thirteen theater chain owners who had pledged to buy Fox Securities bonds didn't deliver as promised. The day after the meeting at the Ambassador Hotel, Fox Film's head of sales, Jimmy Grainger, replied that instead of paying, each man had an excuse about having to go home and ask his partner, wife, father, mother, brother, or sister. Fox said, "Confidentially it was reported to me that neither Grainger nor Clayton Sheehan [Fox Film's foreign sales manager] intended to do anything that would result in this venture [sic] becoming successful. In fact, they were spreading secret propaganda that no one should buy any of these debentures."*

The results were dismal. After ten days, only \$200,000 in Fox Securities had been sold, and that \$200,000, as Fox later admitted, "was gained by my coming in personal contact with a few people, as many as time would allow me to see, and I don't know whether even those would have taken them in the show-down." The problem was obvious. "I was trying to sell \$35 million worth of gold notes sixty days after America's greatest panic." Once the receivership suits started, "every chance of selling these securities had fallen by the wayside."

Only two weeks after its inception, Fox Securities was dead. By February 1, 1930, lawyers had drafted a letter to investors canceling the gold notes. On February 15, Fox Securities president David A. Brown sent back all funds received and also, at Fox's insistence, 7 percent interest up to and including that date. Fox Securities' only expenses had been printing costs for the company's literature.

While Fox accepted the demise of Fox Securities philosophically, Brown was bitter. Several months later, the otherwise mild-mannered humanitarian wrote to a friend that Fox Securities had been destroyed by "racketeering gangs" of "shyster lawyers and their stool pigeons [who] should be dealt with as you would deal with a vicious rat." He called Fox's adversaries "these leeches trying to suck the life's blood out of an organization for no other purpose than to cash in on it . . . human insects."

But Fox already had a backup plan. About a week before announcing the Fox Securities offer on January 15, 1930, he had started discussions with the Bancamerica-Blair securities and

underwriting firm to replace Halsey, Stuart as the Fox companies' bankers. Evidently, some of Wall Street's potentates might be willing to break ranks with their brethren as long as enough money was involved.

Fox understood that Bancamerica-Blair president Elisha Walker would require careful handling. Walker seemed constantly ready to bolt, always carrying back to Fox's office the entire stack of financial documents Fox had given him to study. Fox said, "Every time I saw him with these papers, I felt that he had come to call the deal off." To keep Walker on the hook, Fox lied about the response to Fox Securities. "I would report to him the number of million of these gold notes that we had subscriptions for. There wasn't any truth to it. We didn't have them."

It was the same psychology Fox had used to turn his little "mother love" movie *Over the Hill* into a giant hit in 1920—create demand through the illusion of interest among others. It worked this time, too. Bancamerica-Blair agreed to undertake the job, and soon Lehman Bros. and Dillon, Read had also come on board. Although two months earlier, Dillon, Read had tried to cheat Fox by asking for \$1.5 million worth of Warner Bros. notes as collateral for a \$500,000 loan, he wanted the firm included. Dillon, Read was the banking firm for Loew's, Inc., and Fox didn't want any opposition from that corner. He also wanted to keep a close eye on hostile forces. He later explained, "Never avoid your enemy. Always meet them face to face. I never run away from anyone."

Together, Bancamerica-Blair, Lehman Bros., and Dillon, Read would underwrite \$65 million in debenture bonds and preferred stock for a \$9 million fee. The plan would provide enough money to pay off the AT&T and Halsey, Stuart loans; the remaining debt on the Gaumont purchase; and many other obligations, and would thus cancel the complaints of the receivership lawsuits. Otterson and Stuart would no longer have any basis to interfere—neither owned even a single share of stock in either Fox company—and the voting trust would dissolve. The Fox companies and the Loew's stock would be saved.

As much as Fox wanted to like the Bancamerica-Blair plan—he

had to like it because he had no alternative—he couldn't dispel serious doubts. These bankers were very pushy. To familiarize themselves with the Fox companies, they sent a platoon of fifty-eight accountants and twenty-two lawyers to the Fox offices to spend thirty days poring over financial records. Then Bancamerica-Blair president Elisha Walker summoned Fox to his home for an inquisition by various lawyers. One of the lawyers kept asking about the Tri-Ergon sound-on-film patents and insisting that they belonged to Fox Film rather than Fox personally. The lawyers also wanted Fox to give the Fox companies his half of the Grandeur company and his quarter interest in Fox Movietone News. It didn't matter that he had invested as much as \$600,000 of his own money in those companies. Fox said, "From their cross examination of me there, there seemed to be a smattering that perhaps the telephone company was being represented at least in a slight way."

It was all very wearying. Fox was sleeping fitfully, losing weight, graying quickly, and arguing with more and more people whom he needed as allies. With the December 17, 1929, round-robin letter, he had lost the loyalty of six top executives of Fox Film and Fox Theatres. One of them, Courtland Smith, vice president of Fox Film and head of Fox Movietone News, quit or was fired on January 17, 1930, and took with him executive Jack Connolly, who had arranged most of the European celebrity interviews, including those with Mussolini, George Bernard Shaw, and England's King George V. *Harrison's Reports* commented, "[T]he Fox Movietone News is not, in my opinion, worth even half as much as it was before." Only Sol Wurtzel in Los Angeles and Fox's brothers-in-law Jack and Joe Leo in the New York office remained as Fox's upper-level allies.

At home, Eva's physical condition worsened, and her doctor recommended immediate surgery—probably the mastectomy she had for breast cancer. Psychologically, she was also unwell. One day in mid-January 1930, Fox invited real estate scout Alfred Blumenthal, recently returned from Europe, to their home. Blumenthal had never split his commissions with Fox Theatres as he

was supposed to. On the Metropolitan Theatres deal in the New York City area, for instance, he had received \$1.25 million even though, according to Fox, he "knew nothing more about that transaction than a little dog that would be outside this door." Now, Fox decided, would be a good time for Blumenthal to make good. After he asked Blumenthal to give, or at least loan, Fox Theatres its money, he heard a noise from the hallway.

He went out and found Eva, highly agitated, hiding behind the door eavesdropping. "She said, 'He won't loan this company any money and won't give it what is due it . . . I am going to blind him.' She had a bottle of vitriol [sulfuric acid] in her hand. 'This dog who has called me mother, if he is going to destroy you, I am going to destroy him.'" Forcefully, Fox said, "I pushed her in a room and locked her in."

Other relationships in the family were also affected. Everyone had depended on Fox for so long for income and status. Marriages based largely on the attraction of inclusion in the Fox empire faltered: daughter Belle's to lawyer Milton Schwartz, homely brother Aaron's to pretty Alice Miller, sister Malvina's to former Fox personal secretary Henry Dunn. One fragile mind collapsed altogether. In December 1929, Grace Leo, the wife of Fox's brotherin-law Joe Leo, suffered a mental breakdown and was hospitalized at the Neurological Institute of the Columbia University Medical Center. On the evening of January 22, 1930, while the other patients were having dinner, forty-five-year-old Grace changed into street clothes, put on her fur coat, and slipped out of the hospital on West 168th Street unnoticed. Several hours later, police found her lying in a snowbank in Fort Washington Park near the railroad tracks, moaning in pain, with cuts and abrasions on her scalp and legs.* After overnight hospitalization for her injuries, she was returned to the mental institution.

In Los Angeles, although still outwardly profitable, the studio was falling into disarray as the chain of command became impenetrably murky. Morale, *Variety* reported, had reached a "critical point, due to the procrastination and the vague future as it stands at present." Before, Fox had held ultimate authority, with

Sheehan presumed to be his interpreter and mouthpiece. Now Fox might topple from power, and Sheehan hadn't been seen since October 1929, when he left for Europe to seek treatment for liver disease. When he returned to the United States in early December, he landed in New York and stayed there. That left Wurtzel holding the West Coast fort, but his tense relationships with Fox and Sheehan made him an unreliable factor.

In New York, stock market traders continued to bounce Fox Film shares all over the board in a hysterical frenzy. Prices sank, soared, and sank again. Between mid-December 1929 and mid-January 1930, some 2.8 million shares changed hands, nearly three times the total of 820,660 shares outstanding. That pattern of activity strongly suggested an organized short-selling operation that pounded prices downward and then rushed to cover upon any sign of hope that the company might recover. Given the appearance of a ruthless insiders' game, several New York newspapers warned ordinary investors to stay away. An *Investment News* columnist commented, "I prefer stocks that are much more orderly than Fox Film. Let somebody else have the wild ones."

And then there was the Justice Department's antitrust lawsuit filed in November 1929 opposing the Loew's acquisition. That hadn't gone away. On January 17, 1930, as Fox was giving his Fox Securities sales pitch to theater owners at the Ambassador Hotel, his lawyers filed documents denying the charges and asking the court to dismiss the case. It didn't. The matter was expected to be heard within a year.

"I have never been a quitter," Fox wrote in his January 18, 1930, letter to stockholders, but five days later he nearly did quit. He was tired of all the fighting, and his only hope for a clear victory, the Bancamerica-Blair plan, was still being devised and already had a great many drawbacks. At fifty-one, feeling like "a pathetic old man," Fox wondered whether it was worth it to press on. More and more, he simply wanted peace.

His closest advisers, Untermyer and Greenfield, urged him to

give in and return to the voting trust. It could be modified with adequate safeguards, they counseled. Fox knew both were on his side. Greenfield was spending nearly all his time, day and night, in New York alongside Fox, trying to help him out of his troubles. Similarly, Untermyer and his son Alvin, Fox would recall, "could not have worked more faithfully and harder and more diligently and with greater consideration morning, noon, and night than they did in behalf of the Fox companies."

Signaling his willingness to accept a modified trusteeship, Fox agreed to attend a conference on January 23, 1930, presided over by Federal District Court judge Frank J. Coleman, who was handling all the Fox receivership cases. That morning, with Fox absent but represented by Samuel Untermyer, twenty-five lawyers gathered in Judge Coleman's chambers in the Woolworth Building in Lower Manhattan. By midday, they had agreed to replace the existing voting trust of Fox, Otterson, and Stuart, with one composed of Charles Evans Hughes, who had just returned from his Bermuda vacation; John W. Davis, former U.S. solicitor general and unsuccessful 1924 Democratic presidential candidate; and either Harry Stuart or a Lehman Brothers representative. On buoyant hopes of a resolution, by 1:00 p.m., Fox Film's stock price had zoomed from \$22 to \$34.

Then, at 1:45 p.m., forty-five minutes late, Fox arrived. Instantly the mood changed. Wearing a dark suit, dark top coat, gray felt hat, white shirt, and blue-and-maroon tie, he strode with deliberate confidence down the corridors lined with mumbling, chattering men. On the drive downtown, Greenfield's lawyer, Harry Sundheim, had warned Fox to keep his voice down and not irritate the judge.

He ignored the advice. Aware that Judge Coleman was annoyed by his delayed appearance, Fox offered no explanation. Nervously puffing on a long cigar, scattering ashes over the carpet, with tense, heavy lines showing at the corners of his mouth, Fox answered questions brusquely. Then he declared his position. He would not accept the proposed new trustees. He had to be a trustee, and he had to have full power to appoint the other two.

Of course, that was no kind of a compromise. Flushed with

anger, gray-haired, bespectacled Judge Coleman threatened that unless Fox accepted the modified voting trust arrangement, he would walk into his courtroom and appoint a receiver for the Fox companies.

Fox would recall, "I looked him square in the eyes and said, 'Look here, your Honor. I have a very high regard for you and for your court, and no threats that you make to me have any effect on me at all. You are not going into that room and sign an application for receivership." For half an hour they argued, with Coleman insisting that he was entirely serious about approving a receivership and Fox countering that Coleman had too much integrity to make up his mind before hearing the full story. "No, you won't," Fox kept saying. With a final "Yes, I will," Coleman left the room.

Commenting on Fox's performance that day, *Washington Post* columnist Nelson B. Bell wrote, "Like him or not, the man has nerve."

Fox was right. Coleman didn't sign the receivership papers, but he did issue a "show cause" order allowing the proceedings to go forward, with Fox required to explain why a receiver should not be appointed. As word leaked out that the proposed voting trust compromise had failed, Fox Film's share price plummeted from its high of 34 to close at 27½. Wall Street had been watching closely. During the five-hour session on January 23, the most active stock among the 1,200 listed on the New York Stock Exchange was Fox Film: 494,800 shares (more than half the total outstanding) changed hands. That activity represented one-sixth of the day's trading.

Fox never said what made him change his mind about accepting a compromise arrangement. The likely explanation is that Eva intervened. Probably it was on that same day, January 23, that she had arranged to have the surgery ordered by her doctor. Before going to the hospital the night before, she had made Fox promise he would not return to the voting trust.

"I gave her my sacred word that I would do nothing about it without first going to the hospital and talking it over with her," Fox said. "In the morning she was being wheeled out of her room to the

operating room and in the hallway, some friend or relation told her that he had just heard that I was settling my affairs by allowing Otterson and Stuart to revive the trust agreement. That ended that. She insisted upon being wheeled back into her room. No operation was going to take place. She dressed, ordered her car, and came back home. She said, 'Here I have just turned my back for one night and you are already weakened.' I tried to assure her that it was not true, but she knew it was true, or this party would not have told her so."

Eva refused to return to the hospital. According to Fox, "[S]he didn't care about [the] operation, death, or anything," just as long as he did not return to the voting trust.

As events turned out, Fox had nothing to regret. The modified voting trust wouldn't have worked anyway because the star attraction of the proposal, Charles Evans Hughes, got a better offer. On February 3, 1930, Hoover nominated him to succeed Taft as chief justice of the U.S. Supreme Court. On February 24, 1930, Hughes quit his law firm and was sworn in as head of the highest court in the land.

So, Fox rallied and took up the fight again. Imperfect though it was, he resolved to push ahead with the Bancamerica-Blair refinancing plan. Stuart and Otterson, however, were dead set against it. When Samuel Untermyer presented an outline of the Bancamerica-Blair plan to the court, Stuart and Otterson's lawyer instantly declared, "We would rather have a receivership."

Fox saw Stuart and Otterson's hands behind new acts of aggression. Several more banks filed for judgments on Fox Film's overdue loans, and on January 27, 1930, one of them sent a sheriff's deputy to take possession of the 850 Tenth Avenue headquarters. If Fox didn't pay off the \$342,158 debt within six days, the studio's assets could be auctioned off. That threat was averted when the Bancamerica-Blair group loaned Fox the money. On the same day that the sheriff's deputy arrived, another receivership lawsuit was filed. Whereas the previous three had

named Fox Film as the defendant, this one targeted Fox Theatres and was filed by an Allegheny, Pennsylvania, stockholder who owned 100 shares. Now both companies were directly in peril.

Superficially, Stuart and Otterson's opposition didn't make sense. The Bancamerica-Blair plan proposed to repay AT&T and Halsey, Stuart in full, with interest, yet they were doing everything possible to quash it. Untermyer emphasized the irony to Judge Coleman: "What are they doing there? What is it they want? They do not want their money."

Those were awkward questions, and the answers provided were thin. Halsey, Stuart insisted that its fifteen-year preferential financing contract with Fox precluded him from dealing with other bankers. AT&T maintained that its long-term contracts with Fox Film and Fox Theatres for talking pictures equipment would be jeopardized if Fox burdened his companies with the high expenses of the Bancamerica-Blair plan. However, Halsey, Stuart hadn't yet presented its own refinancing plan, and according to Fox, Harry Stuart had explicitly told him to go elsewhere. As for AT&T's claim, it was by no means obvious that a contract between two companies entitled the vendor to interfere in the customer's business. At least, it would have been more logical for the vendor to help the customer rather than vigorously push the customer toward receivership.

What, then, did Fox's two adversaries really want? The only answer that made sense was that Stuart and Otterson wanted Fox ousted from control at the Fox companies. Neither one of them would get any further business from him, yet there was a lot of money to be had there. Consequently, Otterson and Stuart didn't want Fox Film and Fox Theatres to recover as long as Fox was in charge. That was the reason that Halsey, Stuart hadn't submitted a refinancing plan—the firm was equally opposed to rendering help itself to Fox as it was to Bancamerica-Blair's helping Fox. Instead, the Fox companies should suffer under the threat of receivership to the point where Fox could be pushed out. Then, under friendlier management, rehabilitation could begin.

Fox had correctly assessed Judge Coleman as fair minded. Reluctant to send the Fox companies into receivership before everything possible had been done to save them, on January 28, 1930, Coleman ordered a two-week hiatus so Fox could work out the details of the Bancamerica-Blair refinancing plan. During that time, all the receivership lawsuits would be stayed and no banks could execute any judgments against Fox or take any property away from him.

At that point, the two choices for resolving the Fox companies' financial crisis were either receivership or implementation of the Bancamerica-Blair plan. Now a third option emerged. The driving force behind the idea was Fox's real estate partner, Alfred C. Blumenthal: Fox could sell his voting shares to some party acceptable to Otterson and Stuart, and the receivership lawsuits would be dropped.

It mattered little to Blumenthal that he and Fox were fighting because Blumenthal had refused to support Fox Securities. He'd told Fox he considered the plan illegal and bound to fail, and when Fox Securities did fail, Fox blamed Blumenthal's disloyalty as a contributing factor. By now, Blumenthal said, Fox "was angry at me more or less all the time," but "never so angry with me that he wouldn't come to meet me . . . and talk about a deal."

If not enthusiastically, his fighting spirit again wavering, Fox was willing to listen when Blumenthal put together two different syndicates to buy Fox's voting shares. The first syndicate consisted of about twelve wealthy parties headed by Halsey, Stuart and ERPI. According to Blumenthal, that group came very close to agreeing with Fox on a price—according to Fox, it was \$15 million—but fell apart because of tension between Blumenthal and Fox. A second syndicate collapsed for the same reason.

Blumenthal then devised a more circuitous plan. He contacted Harley Clarke, who was still interested in the voting shares but did not want his name revealed as the prospective buyer until the last possible moment. Clarke hadn't seen Fox for more than two months, not since December 2, 1929, when he arrived late in New York without his promised \$6.5 million check. If Blumenthal could pull

off the deal, Clarke would pay him a \$500,000 commission. Next, Blumenthal recruited Albert M. Greenfield, who agreed (for a commission) to try to persuade Fox to sell his voting shares.

Was it strange that one of Fox's closest friends would cooperate with two people Fox didn't trust, toward a goal Fox was doing his best to resist? Greenfield would always maintain that for a long time he didn't know the identity of Blumenthal's prospective buyer. Fox would always believe him. And to his credit, although Greenfield met with Blumenthal almost daily to discuss the matter, he didn't push very hard. Instead, he would simply mention it to Fox "every once in a while" and remind Blumenthal "that Fox had a sentimental interest in the situation, that it was more than money . . . that all he was after was to continue operating the corporations."

As tempting as it was to compromise for the sake of peace, Fox couldn't do it. At heart, he still hoped to put the broken pieces of his companies back together. So, he forgave the six executives who had signed the mutinous December 17, 1929, round-robin letter. Otterson and Stuart had deceived them, he decided, into believing that receivership was the sole alternative to the voting trust. Fox even put Winfield Sheehan on his list for proposed board members under the Bancamerica-Blair plan, even though Sheehan had organized the round-robin letter and had refused to support Fox Securities.

Fox also immersed himself in his religious faith. Reading the Bible, he found stories that seemed to show that divine intervention would save him. He had "a clear vision that my difficulties would come straight in the end" because "there is a Supreme God and . . . when you pray to Him to give you the right thing He helps you."

When the court-ordered two-week adjournment ended on February 13, 1930, Fox presented the completed Bancamerica-Blair refinancing plan to Judge Coleman. Stuart and Otterson instantly opposed it, claiming that Halsey, Stuart's preferential contract with the Fox companies prevented any other firm from handling the

refinancing. Another obstacle lay in the fact that while two of the plaintiffs who had filed receivership lawsuits in late January (Stanley Lazarus, representing the bewildered Fox Film stockholders protective committee, and the previously duped widow Susie Kuser) supported the Bancamerica-Blair plan, two others (the Berenson brothers' clients in Massachusetts and the Pennsylvania shareholder who had sued Fox Theatres) didn't. The Bancamerica-Blair plan required that all the receivership lawsuits be dismissed first.

After listening to three hours of arguments by attorneys, Judge Coleman couldn't decide whether to set aside all the receivership lawsuits and allow the Bancamerica-Blair plan to proceed. There were too many emotional accusations and too few facts. Ultimately, he thought, only one question mattered: what was the will of the people who had put their money into the Fox enterprises? Coleman ordered a special meeting to be held for all shareholders of both Fox companies. They would vote on only one question: did they want Fox's Bancamerica-Blair refinancing plan or a receivership? Although the outcome would not be binding, because Class A shareholders didn't have voting rights, Coleman indicated that he would respect the decision of all the investors.

The meeting date was set for March 5, 1930.

Then began a war of words. On February 14, the day after Judge Coleman ordered the special stockholders meeting, Halsey, Stuart sent menacing letters to the three banking firms comprising the Bancamerica-Blair group: Bancamerica-Blair, Lehman Brothers, and Dillon, Read. Their plan violated Halsey, Stuart's alleged preferential financing contract with Fox, the letters warned, and if it were put through, Halsey, Stuart would sue for damages. Three days later, Halsey, Stuart presented its own "preliminary" refinancing plan to the Fox companies. It wasn't a serious effort, but a ploy to stir up greater confusion and fear. Included were many terms to which Halsey, Stuart knew that Fox would never agree. One required the dissolution of the Class B voting shares, which Fox controlled and which controlled the companies. Deeming the plan

"impossible," Fox immediately rejected it.

On February 18, 1930, the day after receiving Halsey, Stuart's proposal outline, Fox had Fox Film's board of directors write a letter to stockholders imploring them to send in their proxy votes in favor of the Bancamerica-Blair plan. Otherwise, they faced the disintegration of the company and the complete destruction of their investment. It was a relatively calm communication that mainly touted the advantages of the Bancamerica-Blair plan.

Two days later, Fox thought better of such restraint. On stationery bearing his Manhattan home address of 270 Park Avenue, with a copy sent to the press, he wrote a long letter to the stockholders of both Fox companies detailing his outrage against Halsey, Stuart. The firm, he charged, had battered him with "malicious falsehoods" and a stream of poisonous propaganda "in the effort to destroy my lifework and reputation that have been built up as the result of thirty years of unremitting labor and fair dealing." According to Fox, Halsey, Stuart was entirely responsible for the Fox companies' present troubles. After "abetting and encouraging" the Fox companies to buy the Loew's and Gaumont chains, these bankers had failed to provide long-term financing and then had had "the temerity" to "swoop down upon us" and press for a receivership.

"Could anything be more insincere?" Fox fulminated. "I am unwilling to desert my stockholders by turning over the companies to the tender mercies of these gentlemen at any price." He concluded, "Above all things, do not let anyone cajole your stock away from you on the pretext that this great, prosperous enterprise is a fit subject for the Bankruptcy Court."

In mid-February 1930, AT&T moved for a separate peace with Fox. All it had ever wanted from Fox, in addition to repayment of its \$15 million loan, was clearance under the Tri-Ergon sound-on-film patents so its ERPI subdivision could sell motion picture sound equipment unchallenged. As recently as the end of January, Fox had confirmed to AT&T's legal department that he considered ERPI

equipment to be infringing on his Tri-Ergon patent rights. His position stood to decimate ERPI's profits, if not its viability, because more than 80 percent of ERPI's revenues came from the motion picture industry.

AT&T offered Fox a deal. If he cross-licensed ERPI to use his Tri-Ergon patents, AT&T would support the Bancamerica-Blair plan. It would direct John Otterson, as Fox's co-trustee, to abandon his alliance with Harry Stuart and join with Fox in directing Bankers Trust to deliver the Fox companies' voting shares to the new trustees proposed by the Bancamerica-Blair plan. Upon refinancing by Bancamerica-Blair, Fox would get the money to pay his debts. He would remain in control of Fox Film and Fox Theatres. He would simply have to stick to his business while the phone company stuck to its.

Fox refused. Instead, he submitted a counterproposal for a new contract that expressly excluded a cross-license for the Tri-Ergon patent rights. If AT&T wanted to buy those rights, it could do so. Fox's most recent price had been \$25 million. On February 27, 1930, AT&T lawyer George C. Pratt penciled a note on the proposed letter agreement: "Draft submitted by Untermyer and rejected by us."

It was a terrible mistake for Fox not to accept, or at least try reasonably to negotiate, AT&T's offer. By now, though, he was so angry and suspicious and so thoroughly exhausted that he couldn't remember the vital lesson learned from the movie business—in every conflict, step over into the other person's place and consider whether he himself might be wrong.

That was the final breaking point for AT&T. There was no point to further discussion. AT&T would remain allied with Halsey, Stuart.

The March 5 stockholders meeting was shaping up to be a bloody event. Four days beforehand, Halsey, Stuart mailed its own letter to the Fox stockholders, with a copy to the press, accusing Fox of being wholly responsible for his companies' perilous condition. "Do

not be frightened by talk of receivership," the Halsey, Stuart letter advised, before going on to list many reasons that stockholders ought to be terrified of the Bancamerica-Blair plan, which represented "Mr. Fox's own selfish desires."

With so much invective hurtling in both directions, the stockholders' vote was sure to turn largely on personal trust. David A. Brown, the former president of Fox Securities, wrote to Fox urging him to promote himself more aggressively, to step forward and show the public "the many William Foxes in William Fox, which I have told you, and now tell you again that the people of this country must know if they are to appreciate the fullness, the fineness and the greatness of the man that I know." Brown suspected that Fox would reject the idea—"Please, Will, don't throw this thought in the ash can"—and he did. That was probably for the better. Fox rarely handled encounters with reporters well. Brown took on the task himself, giving an interview to the New York Morning World that portrayed Fox as a great business visionary, social leader, and philanthropist. He also arranged with the World's managing editor for the story to be told "affirmatively and humanly" and syndicated nationwide to a potential audience of three to five million.

Fox believed that his achievements should speak for themselves. March 5, 1930, would tell whether they did.

"We Want You, Mr. Fox"

I think most people want you, Mr. Fox. You are the man that created this thing and without you I don't see how it is going to stand.

—FOX FILM STOCKHOLDER, MARCH 5, 1930

In past years, ever since the first one in 1916, Fox Film stockholders meetings had been sedate, courteous affairs held in a small room that accommodated at most about twenty-five people. The meetings were attended by one, and always only one, outside stockholder. This was a Newark, New Jersey, doctor, "a most charming little man" no more than five feet tall who was one of the original investors and whom Fox had come to regard as the company's mascot stockholder. Even in 1929, when Fox Film's stockholders had increased to more than seventy-five hundred, still only "our little doctor friend" showed up. They let him act as a teller to count the proxy votes, and they "usually had a very fine meeting and occasionally had lunch together before the meeting."

On March 5, 1930, everything was different. Instead of one pleasant, familiar face, some four hundred to five hundred anxious strangers descended on Fox Film's Manhattan headquarters, the three-story, block-long redbrick building at 850 Tenth Avenue. So did forty-six lawyers, each one loaded down with "a pile of briefs and legal documents a foot high." Throughout the building, twenty

police officers stood guard, on the lookout for "ringers," professional agitators hired to masquerade as legitimate stockholders in order to disrupt the meeting.

Instead of a cozy, comfortable room, this year's meeting took place in a huge whitewashed room on the top floor, a former silent movie studio. Workers had spent the previous day removing props and old equipment and setting up plain hard chairs. The only splash of color came from large red No Smoking signs on the walls.

Moments before 11:00 a.m., nearly an hour after the meeting's scheduled start time, Fox appeared. Wearing a wrinkled, gray three-piece suit with a white wool sweater underneath the vest, he looked pale and worn out. He had lost thirty-five pounds since the market crash and hadn't had time to order a new wardrobe. To one journalist, he seemed "more like one of his lowly proxy holders than chief of one of the biggest film outfits in the business."

The day before had not gone well. On the morning of March 4, Halsey, Stuart had held a press conference and handed out copies of its completed financing plan, the outline of which the firm had given Fox in mid-February. Like the Bancamerica-Blair plan, it proposed the sale of new debentures and stock—but according to Halsey, Stuart, its plan would yield, after expenses, \$68.2 million for the Fox companies, compared to Bancamerica-Blair's \$59.15 million. Additionally, because the Halsey, Stuart plan would require issuance of 100,000 fewer new shares of stock, valued at \$2 million, it would result in immediate savings to the Fox companies of \$11.05 million.* Halsey, Stuart had never consulted Fox about the terms and didn't send the final plan to him until much later in the day on March 4.

Halsey, Stuart's plan was a fraud, Fox believed, and it would lead to ruin in one of two ways. Either Halsey, Stuart would not be able to pull off the financing, and possibly had no intention of doing so, and the Fox companies would fall into receivership. The job was too big for one banking firm to handle alone, yet Halsey, Stuart listed no marketing partners. That was the main reason that the Bancamerica-Blair plan cost so much more. Bancamerica-Blair proposed to bring in hundreds of other underwriters nationwide,

and they would all need to be compensated. Alternately, if by some chance Halsey, Stuart did manage to sell more than \$74 million in new securities all by itself, Fox was certain that Otterson and Stuart would not only fatally mismanage Fox Film and Fox Theatres, but also plunder the two companies' treasuries for the benefit of their own firms. The Halsey, Stuart refinancing plan intended to depose Fox. It required that his voting shares be turned over to a new voting trust that would last at least five years and consist of five trustees, four of whom would be named by Otterson and Stuart.

In the evening of March 4, the threat intensified. A newspaper employee phoned Fox to alert him that a large display ad was scheduled to run the next morning (fit reading for the stockholders on their way to the meeting) wherein five Fox senior executives pledged their support for the Halsey, Stuart plan over the Bancamerica-Blair plan. The first name on the list was Winfield Sheehan. Unwilling to believe that someone who'd been with him since the very beginning really would betray him, Fox had previously told himself that Sheehan was simply a lost sheep, temporarily deceived but ultimately loyal. The other signers of the ad were Saul Rogers, James R. Grainger, Clayton Sheehan, and John Zanft, the general manager of Fox Theatres who had promised Fox after the December 17, 1929, round-robin letter that he would cause no further trouble.

Fox didn't bother to contact Sheehan—probably not because there was nothing to say but because there was too much to say. After hanging up from the newspaper employee's call, he phoned Zanft. He asked, "You didn't sign another statement that would be harmful to me, did you?"

Yes, he had, Zanft confessed, but he wanted to explain.

"I told him I wanted no further explanation," Fox said. He never saw Zanft again.

So, on March 5, shaken by these personal disappointments, Fox appeared for the shareholders meeting and sat down at the table set up for him and his lawyers. At 10:58 a.m., he rapped the gavel twice to call the meeting to order.

Immediately, an aide appeared at his side with a message. Poker

faced, Fox spoke briefly with Untermyer and, before the chatter in the room had subsided, announced a half-hour adjournment.

An important court decision had come in.

Another worry during the past few days had been the question of who would have the right to vote Fox's Class B voting shares at the shareholders' meetings. Although numerically those shares wouldn't be especially significant to the day's vote—at Fox Film, Fox's voting shares amounted to 50,101 out of a combined total of 920,660 voting and nonvoting shares, and at Fox Theatres, 100,000 out of a total 1,683,000 shares—strategically they were crucial. Whoever voted Fox's B shares at the stockholders meeting would establish a precedent to vote them later on. And later on was all that really counted. The stockholders' vote was being taken only to inform Judge Coleman of the will of all the investors. The outcome would not be binding.

If Otterson and Stuart succeeded in voting Fox's shares, they could claim the right to vote the shares at the next meetings of the Fox companies' boards of directors on April 15, 1930. Because Fox's voting shares controlled appointments to the boards, Otterson and Stuart would be able to replace all the Fox loyalists with their own choices. And that meant that even if the shareholders approved the Bancamerica-Blair refinancing plan, the new boards could kill the plan.

There were only two ways for Fox to avoid this scenario. One would be to have Bancamerica-Blair rush through its plan, get the \$27 million to pay off Otterson's and Stuart's loans, and—before the April board meetings—officially dissolve the contested December 3, 1929, voting trust. That was an impossibly short schedule even for the best of times, and early 1930 was the worst of times in U.S. financial history.

Fox's second option, his only real option, was to establish a legal right to control his Class B voting shares, which were now in escrow at the Bankers Trust in New York. Toward that goal, on February 28, 1930, he had filed suit in the New York Supreme Court and won

a temporary injunction restraining Otterson and Stuart from voting his Class B shares at the stockholders meeting. The next step was to make the injunction permanent and get the shares physically returned to him. On March 3, Samuel Untermyer had put on his best showboat style and argued in front of Judge Aaron J. Levy that Otterson and Stuart were trying to "slug Fox for \$10 million . . . If somebody tried to do it for \$10, they would probably go to jail." Halsey, Stuart's behavior was "sordid beyond words," Untermyer charged, and at the suggestion that AT&T had high-minded motives, he scowled: "I've seen all the idealism I want to see from the telephone company."

Judge Levy had waited until the last minute to decide the matter. That was what the aide had come to tell Fox right after the first two raps of the gavel. Levy had just released his written opinion.

The news was bad. In addition to refusing Fox's plea for a permanent injunction, the judge had delivered a blistering lecture that would be widely quoted in the press. His opinion charged that in a "flagrant and unwarranted" repudiation of the voting trust with Otterson and Stuart, Fox had behaved in a sneaky, selfish, and self-destructive manner. "Suffice it to state that the court is not at all impressed by his disingenuous charges . . . that he is the unfortunate victim of a malevolent conspiracy to seize control of the companies," Levy wrote. "It is said that of little acorns great oaks do grow. Here we have a little \$1,600 acorn which grew into a sturdy \$300,000,000 oak. Why was not well enough left alone? The very Fox chopped down this healthy thriving tree with his own hatchet. The world knows much about avarice and cupidity, and I wonder if this is not another illustration."

Levy's decision was not what it seemed. Far from being a paragon of judicial probity, the judge was a Tammany Hall hack who had risen to his position through service to the political machine and by the benefit of its corrupt methods. In 1912, then a lawyer, he had represented William Shapiro, the getaway car driver in the sensational murder of gambler Herman Rosenthal, the killing that had implicated both Fox's movie theater partner Big Tim

Sullivan and Winfield Sheehan. The following year, with Tammany's backing, Levy had been elected to the Municipal Court bench; evidence indicated ballot box tampering. In 1923, he won election to the state supreme court and was not removed even though twelve election inspectors were subsequently indicted for fraudulently miscounting ballots in his favor. Levy would long maintain his underworld ties. In 1932, for instance, he would dismiss parole violation charges against Owen "Owney" Madden, one of the city's most notorious and ruthless gangsters, accepting Madden's unsubstantiated word that he'd already been discharged from parole. To Madden's own amazement, Levy would remark, "I think this man would make a useful member of society."*

Indeed, corruption in the New York City judicial system was so widespread that in their 1932 book *What's the Matter with New York:* A National Problem, Norman Thomas and Paul Blanshard would write, "The sine qua non of both appointment and election is party loyalty and service . . . Brilliance in a New York City judge is accidental."

In addition to his skewed sense of justice, Judge Levy had an ax to grind against Fox. Levy was a partner in a dressmaking business operated by Sally Milgrim, whose brother had a chain of theaters that he had sold to the Fox Metropolitan company. After discovering that the Milgrims had lied about the theaters' annual earnings, Fox's auditors had lowered the price accordingly. Subsequently, Levy, who evidently owned an interest in the theater chain (despite a law prohibiting judges from engaging in for-profit business), told Fox executives he wanted the original deal to go through. When they refused, he vowed to get revenge. Hoping to expose Levy's hidden bias in his decision about the voting shares, Fox immediately sent messengers to find the Milgrim brother who had fallen out with Sally and Levy. The brother refused to say what he knew.

Although Levy's scornful comments about Fox's character would be quoted with inordinate frequency both at that time and going forward, the legal ruling wasn't catastrophic. It meant only that Otterson and Stuart could not be prevented from voting Fox's Class B shares at the stockholders meeting. It didn't entitle them to vote those shares. Levy didn't have the authority to order that. Essentially, the issue of control of the voting shares remained just as confused as before.

The main impact of the decision was that Fox had to adjust a few terms of the Bancamerica-Blair plan. That was the reason for the half-hour adjournment. The Bancamerica-Blair plan included an issue of preferred stock, which would have required approval by two-thirds of both A and B stockholders. With his voting shares, Fox believed he had two-thirds approval. Without them, he knew he didn't. Hastily, the Fox boards of directors substituted common stock for the preferred stock, so that only approval by the boards of directors, which Fox controlled, would be required.

At 11:30 a.m., Fox reopened the stockholders meeting. "I was in a daze and bewildered," he said later. Surveying the crowd, he saw very few friendly faces. "There were some nice ladies and gentlemen who were honestly stockholders," but also "ruffians and gangsters, whose job it was to hooray everything the telephone company wanted and shout down everything that Fox wanted." Although guards had been posted at the main doorway on Fifty-Sixth Street, the building had about five other entrances where agitators might have sneaked in.

Behind Fox was more trouble: his table was positioned about one-third of the room's length from the westerly wall, and farther back was a table for Otterson, Stuart, and their associates. Were they going to send secret signals to the crowd? Fox feared so. For the first time in his life, he said later, he was unsure if he had enough energy to tackle the job ahead.

Nobody saw his self-doubt. The press reported that Fox looked confident and remained "smiling and calm except on several occasions when he was provoked, whereupon he flashed out and invariably won his point." He never sounded desperate. When, early on, a voice in the crowd asked how he wanted them to vote, he replied evenly, "I would like to have you vote as you think you

should, but I am in favor of this plan."

Lasting for several hours, the meeting was less a meeting than a prizefight, with each side jabbing and punching at every possible opportunity and inciting the crowd to loud, boorish behavior. The room, "packed to suffocation," was ready for a brawl. No sooner had Untermyer read a summary of the Bancamerica-Blair plan and opened the floor for discussion than pandemonium broke out. "Cheers, hisses, handclapping, and stamping of feet" drowned out stockholders' attempts to speak, while Fox and Untermyer pounded on the table in a futile effort to restore order.

Although mostly Fox let Untermyer do the talking for him, at one point he jumped directly into the fray. When Arthur Berenson, the lawyer who had filed the receivership lawsuit against Fox Film on behalf of two small-change Massachusetts shareholders, announced that he wanted to speak, Fox, with "elaborate courtesy," introduced him, "Ladies and gentlemen, this is Mr. Berenson . . . who has a petition in court to plunge this company into the hands of a receiver." This unleashed another uncontrollable outbreak of "jeers, cheers and catcalls" that lasted a full ten minutes, with many in the audience standing on chairs and tables in a deep circle around Fox's makeshift desk.

Undeterred, Berenson branded the Bancamerica-Blair plan "absolutely destructive . . . wasteful to the last degree" and bitterly attacked Fox's leadership. Receivership, Berenson insisted, was the only hope of salvation.

"No! No!" the crowd shouted. "No! Choke! Sit down!"

As Berenson struggled to be heard, Fox calmly pointed out, "I think you ought to sit down in all good taste."

When Berenson refused, Fox shrugged, "What will we have to do? Bring an ambulance outside and have you run out?"

"You just try to have me run out and see what will happen!" Berenson thundered.

"My God, man, won't you please sit down?" Fox pleaded.

When Berenson remained standing and tried to continue speaking, Fox turned away and recognized the next speaker.

It was theater, yes, but quite good theater. Sheehan was

overheard to remark to Otterson, "All they need for this show is a theme song."

Even lunch, brought in around 3:00 p.m., didn't restore civility. Sheehan shoved Fox aside in a rush toward the food, while Stuart, Otterson, and their lawyer, Richard Dwight, commandeered the coffee corner and for some time wouldn't give any to their opponents.

Although Fox seemed in clear command, the other side got in its wallops. Most effectively, Harley Clarke stood up and answered the great mysterious question about where Halsey, Stuart was going to sell \$74 million in securities all by itself in times such as these. Clarke said that his General Theatres Equipment company had committed to buy Halsey, Stuart's entire issue of stock and debentures. That statement drew scant attention in the press, and Fox himself did not think much further on it. However, it meant that a major new financial force had aligned itself with Otterson and Stuart.

If Fox discounted the threat behind Clarke's declaration, this was understandable given the spirit of the day. Fox's cheering section was louder than that of the opposition, and he had the solid foundation of his achievements over the past fifteen years. As one unidentified stockholder put it, "I think most people want you, Mr. Fox. You are the man that created this thing and without you I don't see how it is going to stand."

The meeting's last main speaker also gave Fox good reason for renewed confidence. Emory R. Buckner was the lawyer for an independent coalition of Fox Film stockholders that had been organized about two weeks before the meeting by Morton J. Stern of J. S. Bache & Co. The so-called Stern Committee had amassed proxies for 330,000 Fox Film shares out of the total of 920,660 outstanding. Two days earlier, Fox had been confident that he had the Stern committee's support. However, after the shocks of the last twenty-four hours—the Halsey, Stuart newspaper ad and the Levy court decision—doubt overtook him. "Everything that I had was now in the balance. It was in the hands of Mr. Buckner," Fox would recall. "There were times during his [Buckner's] recital . . . that

everything before my eyes turned black."

Buckner spent a considerable amount of time complaining about "this vendetta" between Fox and Halsey, Stuart, and the havoc it had inflicted on Fox Film. "Who is right we do not know," Buckner told the stockholders. "You are getting shot on the sidewalk while they are carrying out their duel on the street. That is what is happening to you. Or, another way, while they are rocking the boat, you are going over the falls."

Then Buckner pivoted. It didn't matter how much the Halsey, Stuart plan proposed to save, he said. All that mattered was that Fox Film's board of directors had turned it down. It also didn't matter whether the board was right or wrong in doing so. Being "first, last, and all the time for avoiding receivership, morning, noon and night," the Stern committee wanted only to approve whatever plan William Fox wanted. Fox wanted the Bancamerica-Blair plan. Therefore, the Stern committee would vote its 330,000 shares of Fox Film stock for that plan.

With that statement, Fox won. Jack Leo had collected proxies for another 300,000 shares, so the Bancamerica-Blair plan was now approved by the owners of 68 percent of all the outstanding Fox Film stock.

Still, that was only part of the battle, and arguably the less important part. Yet to be decided was the question of the Class B voting rights. Fox proceeded to vote them. So did Otterson and Stuart. Again Fox won. Because he was named as the owner on the certified list of stockholders as of March 1, 1930, the inspectors ruled that his ballot was the valid one.

A shorter and much more subdued Fox Theatres stockholders meeting followed. There, too, Fox clearly had the lead and successfully voted his Class B voting shares.

On March 6, 1930, at 850 Tenth Avenue, the official results were announced. Out of the 596,602 Fox Film Class A shares counted, 564,577 had voted in favor of the Bancamerica-Blair plan. So had 93,745 out of 94,805 Fox Film Class B shares counted. Altogether, those results represented a 95 percent approval rate among Fox Film shareholders for the Bancamerica-Blair financing

plan. On the Fox Theatres side, out of a total of 1,086,854 Class A shares counted, 987,516 had voted for the Bancamerica-Blair plan, and of course, because Fox owned them, so had all 100,000 Class B shares, representing a nearly 92 percent approval rate.

Fox was jubilant. All his troubles had ended, he believed. Surely all the stockholders who had rousingly endorsed his leadership would rush to buy Bancamerica-Blair's \$65 million in new Fox securities. After the announcement of the vote count, pressed by a major investor to make a statement, Fox hesitated. He really hated personal attention.

"I think that I have, not by words but by actions, deserved the vote that you have cast in favor of the plan I recommended," he began. But that wasn't a very good speech for such a climactic moment.

Summoning his sense of drama, he continued, "I cannot promise you that I am going to work any harder from now on than I have in the past, because I don't believe I have the same vitality left. After all, I gave this company my best years, from 21 to 51, and I do not believe that I have got thirty more years left, and I am sure if I had, they won't be years with as much energy as I was able to expend in the last thirty. But all that I have belongs to these companies, I pledge you that."

The crowd roared with applause.

Defeat

It is desirable that Mr. Fox be ousted of his control of Film and Theatres.

-ERPI/AT&T LEGAL MEMO, MARCH 14, 1930

Well, the old warhorse did it," exclaimed a front-page article of

the *New York Morning Telegraph* after the March 5, 1930, stockholders meeting. Fox was elated. "A new world had opened for me," he said. "Oh, but that joy didn't last long."

Although Fox had publicly portrayed the Bancamerica-Blair group (which included Lehman Bros. and Dillon, Read) as the Fox companies' heroic saviors, in fact the three Wall Street firms were interested only in money—preferably easy money and preferably lots of it. As he didn't disclose at the stockholders meetings, Fox's relationship with the Bancamerica-Blair group had always been tentative and tense.

They had already taken one big bite out of the Fox companies. In early March 1930, Fox's \$20 million deal to buy the three-hundred-house Gaumont theater chain in Britain nearly fell through because he didn't have \$6 million to make the final payment. At the last minute, the Bancamerica-Blair group agreed to lend Fox the money, but on onerous terms. The duration of the loan would be only forty-five days, from March 1 to April 15, 1930, and in addition to paying 6 percent interest, Fox would have to pay a 10

percent commission—\$600,000—amounting to a total annual interest rate of 87 percent. If he needed to renew the loan, then for each subsequent forty-five-day period he would have to pay another \$600,000 commission along with 6 percent interest. As security, the Bancamerica-Blair group took all \$20 million worth of Gaumont stock and also a \$40 million West Coast Theaters contract—collateral worth ten times the amount of the loan. Fox had no other choice, and the Bancamerica-Blair bankers knew it.

Moreover, under the Bancamerica-Blair refinancing plan, Fox would not remain in absolute control. Mirroring the structure of the December 1929 voting trusteeship with Otterson and Stuart, the Bancamerica-Blair plan proposed to set up a three-member trusteeship consisting of two bank presidents and independent financier Bernard Baruch, and also to replace the existing eight-seat boards of directors of Fox Film and Fox Theatres, currently claques of Fox relatives and executives, with twelve-seat boards. On each board, five members would be chosen by the Bancamerica-Blair group, five by the nonvoting shareholders, and only two by Fox himself. A new treasurer would replace Fox's puppet, his brother Aaron. While Fox would still command the areas most important to him, movie production and technology development, he well knew from experience that the larger issues of corporate management determined the boundaries of creative activity.

As for the issue of cost, the Bancamerica-Blair plan was, as Otterson and Stuart had claimed, extraordinarily expensive. In bankers' parlance, it was a "hit and run plan," one that guaranteed a large profit to the financiers no matter the ultimate outcome for the companies or their stockholders. Even if the plan were abandoned before it was implemented, the Bancamerica-Blair group would be contractually guaranteed a fee from Fox of \$975,000.

Fox's only alternative to the Bancamerica-Blair refinancing plan was to sell his voting shares and lose control of Fox Film and Fox Theatres. As awful as that prospect appeared, he could not dismiss it. For the sake of the companies, it might be best. And so he listened as Greenfield began actively to urge him to sell and have done with the battle. He also postponed writing a letter to the Bancamerica Blair bankers confirming his verbal pledge not to sell his voting shares. The bankers required that document because they were not going to refinance the Fox companies only to find someone else running them.

In mid-March 1930, at the time of the usurious loan to save the Gaumont shares, Fox gave in. If the price were high enough, he told Greenfield, he might consider selling.

Greenfield said he still didn't know the identity of the prospective buyer. His contact, Fox's estranged real estate partner Alfred Blumenthal, would not disclose a name.

"You will find it is Harley Clarke," Fox said. It had to be. Not too many people were shopping for huge corporations these days, especially not ones burdened with \$93 million worth of debt. At the March 5, 1930, Fox Film stockholders meeting, the Chicago utilities magnate had announced that if Halsey, Stuart were to do the refinancing, he would buy out the entire \$74 million securities offering.

Was it Harley Clarke? Greenfield asked Blumenthal.

Yes, Blumenthal admitted.

Greenfield told Fox it ought to make no difference to him. Fox simply needed someone with enough money to pay off his companies' debts and to pay a price for his voting shares that he felt would fully compensate him for the loss.

But it did matter. Fox suspected that Clarke meant to make the prosperous Fox companies a party to a bad bargain. In the initial stock offering of his General Theatres Equipment company in July 1929, Clarke had watered the stock heavily, stating its value according to projected earnings rather than actual value. Now, in the wake of the stock market crash, he was going to have a very difficult time supporting his predictions. The healthy profits of the Fox companies could fill GTE's financial void. On March 7, 1930, Fox Film issued a 1929 earnings statement, showing after-tax net profits of \$11.8 million, a 40 percent increase over 1928 earnings. (The figure is consistent with Fox's claim of \$13.5 million,

representing 1929 profits before taxes and other charges.) As for the future, so far in 1930 both Fox Film and Fox Theatres were earning substantially more than they had during 1929.

Fox knew it would take careful management to sustain that momentum. He could do it, he believed. He had been through economic panics before, notably the 1914–1915 financial paralysis and the steep 1920–1921 postwar recession, and he had always turned a profit. Could Harley Clarke, who had never made a feature film in his life, do as well?

No, Fox decided, he couldn't sell out to Harley Clarke.

Fox's equivocation about selling his voting shares reflected his increasing inability to think clearly. Unanswerable questions tormented him. Why wouldn't any bankers help save his strong, profitable companies? Why had so many executives, to whom he had given such wonderful opportunities, deserted him?

Overwhelmed by emotion and lost amid a thicket of unprecedented economic conditions, Fox mishandled contract negotiations with MGM's ruling powers, Louis B. Mayer, Irving Thalberg, and J. Robert Rubin. Worried about their fate if the Fox-Loew's merger were to go through, the three executives asked Fox for a five-year extension on their existing contracts, which still had two years left to run. Fox hit the ceiling when he learned that as part of their compensation, Mayer, Thalberg, and Rubin shared 20 percent of Loew's, Inc.'s net profits. "If these three men were entitled to any percentage of the profits at all . . . it could only be from the Metro-Goldwyn-Mayer Pictures Company," Fox reasoned. In his view, the M-G-M triumvirate had no business sharing in a reward for the performance of the Loew's theaters because they had nothing to do with theater management and because Loew's theaters played movies not only from M-G-M but also from other studios.

In general, Fox didn't believe in performance bonuses. If executives were not required to make up the losses of a company during bad years, "they are surely not entitled to reap the benefits

of it during its good years." No Fox executive, including Fox himself, had ever gotten a performance bonus.

Of course, Mayer, Thalberg, and Rubin's position was based less on what was equitable or reasonable than on what they had become accustomed to receiving and what they believed they could demand elsewhere. Performance bonuses were the way of the world now. That was what Charles M. Schwab, head of Bethlehem Steel and a longtime Loew's board member, tried to explain "in his usual fine soft voice" to Fox during an evening at Schwab's 75-room, blocklong Riverside Drive mansion. Fox didn't listen. Mayer, Thalberg, and Rubin had nowhere near the worries and responsibilities he had and they were not going to get a substantially better deal than he was willing to give himself. Fox refused to go through with the contract extensions, stirring up enmity just when he needed as many friends as he could find.

Samuel Untermyer, head of Fox's legal team, understood that he had an unstable client and tried to shield Fox as much as possible from the courtroom squabbling and procedural jousting. Since January 23, 1930, when Fox had dared Judge Coleman to approve a receivership for the Fox companies, Untermyer hadn't allowed Fox to see or speak to Coleman. The effort took its toll on Untermyer. Having turned 72 on March 6, 1930, he had not been in the best of health to begin with and after about a month on the case, his strength had deteriorated.

Fox offered to hire additional counsel. He and Untermyer went down a list of prospects and everywhere found the same story. Every well-qualified lawyer was a director of either a bank or a telephone company and so could not take the case. Consequently, Untermyer soldiered on alone, with only his lawyer son Alvin as an aide-de-camp.

At least moral support came in from distant quarters. On March 14, 1930, David A. Brown, the former head of Fox Securities, wrote to Fox to say that at two recent large Jewish conferences in Chicago and Washington, DC, "you and your affairs were a general topic of

discussion and . . . the prevalent opinion now is that Halsey, Stuart and the Telephone Company have tried to steal your organization and have been caught in the attempt. Public opinion is with you one hundred percent . . ." Brown still wanted to help: "Don't forget, Will, that if at any time I can be of any service, no matter how minor, a word from you will be sufficient."

Almost every day from mid- to late March 1930 brought new trouble.

Far from humbling Otterson and Stuart, their defeat at the March 5 stockholders meetings steeled a determination to win by any means. In a conference in his chambers two days later, federal judge Coleman ordered Otterson and Stuart to dissolve the December 3, 1929, voting trust, which represented the main roadblock to the Bancamerica-Blair refinancing plan. Otterson and Stuart refused, insisting the trusteeship was still valid and vowing to prove it in court.

On March 11, 1930, Fox filed suit in federal court to cancel the voting trust and have him declared the sole owner of the voting shares. Essentially, he was trying to transfer jurisdiction from the state court system, where he suspected Judge Levy's hostile influence would reach up into the Appellate Division, to the federal court system, where the case would come before Judge Coleman, who seemed to lean in Fox's favor. Otterson and Stuart easily blocked that move. On March 13, they got a temporary injunction in state court from Judge Levy that restrained Fox from proceeding with the lawsuit in federal court. One week later, they got a U.S. Appeals Court to prohibit Coleman from holding any further hearings on the receivership lawsuits until April 7, 1930.

These were grievous blows. Time was against Fox. On April 15, 1930, if not already completed, Bancamerica-Blair's contract with him would expire. Also on that date, the annual meetings of the boards of directors of Fox Film and Fox Theatres boards would take place. Otterson and Stuart had already announced that, at the Fox board meetings, they intended to assert their authority as two-thirds

of the disputed trusteeship and replace a majority of the companies' directors. Unquestionably they would depose Fox as chairman, cancel the Bancamerica-Blair agreement, and push through the Halsey, Stuart refinancing plan.

It looked as if Otterson and Stuart merely had to drum their fingers on their desks and turn the pages of the calendar. In fact, time wasn't on their side, either. A confrontation with Fox at the April 15 board meetings would inevitably be explosive, risking utter chaos for the companies' reputation and operations—and given their failure to gain control of Fox's voting shares at the stockholders meetings, Otterson and Stuart might not win. Then they would have to fall back on the receivership lawsuits they had instigated.

But a receivership for the Fox companies would be most imprudent. So advised Richard T. Greene, an outside lawyer hired by AT&T to evaluate the ERPI division's relationship with Fox. Greene told his clients that a receivership would probably be worse for their side than for Fox. In a March 14, 1930, memo to ERPI's inhouse counsel George C. Pratt, Greene acknowledged that Fox "would prefer the wreck of the companies" to a continuation of the voting trust with Otterson and Stuart. Greene outlined two possible outcomes of a receivership. Either the receiver would remove Fox temporarily from control, reorganize the companies, and then restore Fox to power-no one was more qualified or more motivated to do the job-or else the receiver would sell off all the Fox companies' assets, voiding all existing contracts, including those with ERPI. In either case, ERPI would be no further ahead than it was now, while Fox might well triumph. Greene concluded, "Any plan avoiding receivership . . . is preferable to any of the foregoing alternatives."

And what was most preferable of all? First on his list of recommendations, Greene wrote, "It is desirable that Mr. Fox be ousted of his control of Film and Theatres."

Years before he would learn about Greene's letter, Fox believed that he had been targeted for removal by AT&T in order to eliminate the threat of his Tri-Ergon sound-on-film patents. Over and over he would be dismissed as a paranoid megalomaniac who vastly overestimated his capabilities and importance. Surely the phone company had better things to do than to plot against him. Yet, there it was—not only AT&T's statement of intent to unseat him as head of the Fox companies, but also an acknowledgment that it had never meant to deal with him fairly. Greene's letter described the December 3, 1929, voting trust as one that had secretly been designed to "virtually eliminate him [Fox]."

Pratt immediately forwarded Greene's letter to Otterson. Evidently, Otterson's marching orders were to get rid of Fox as the head of the Fox companies.

The prime candidate to supplant Fox—the only candidate, actually—was Harley Clarke. AT&T didn't particularly like Clarke. When, in late November 1929, Clarke had tried to buy Fox's voting shares, he had asked ERPI for a loan and was turned down. Now necessity cast Clarke in a different light. The phone company didn't necessarily have to like him, only to believe that it could control him. Astutely, Clarke assured Otterson that if he gained control of Fox Film and Fox Theatres, he would grant ERPI more favorable sound-on-film contracts.*

Now, in late March 1930, ERPI agreed to give Clarke a \$5 million one-year loan, to be secured by 133,500 shares of General Theatres Equipment stock. Although according to Fox's calculation, that collateral had an inherent worth of only \$133,500, its value would multiply greatly once the Fox companies were swept into the GTE fold.

All that remained was to turn the heat up so high that Fox would have no choice except to sell his voting shares to Harley Clarke.

On March 22, 1930, Winfield Sheehan sued Fox to restrain him from implementing the Bancamerica-Blair plan and to compel him to return to the voting trust. The following day, Sheehan held a press conference at the Savoy Plaza Hotel in New York. Distributing copies of the affidavit that formed the basis of his complaint, he

explained, "I deeply regret the necessity of this action and I decided to institute it only after a lengthy consideration of the attitude of Mr. Fox."

According to Sheehan, Fox had run Fox Film and Fox Theatres "as if these enterprises were his own private affair, to be regulated by his own whims, personal desires and caprices" and was now trying to "jam his selfish plans and interests through, at the expense of the stockholders." Why did Fox prefer the Bancamerica-Blair plan to the Halsey, Stuart plan, which would allegedly save the Fox companies \$13–\$31 million? Sheehan claimed that Fox had made secret "side agreements"—kickback deals—with the Bancamerica-Blair bankers. Fox had been unreasonable, "obstructive," isolated, unwilling to listen to the advice of his concerned executives, and indifferent to the welfare of his stockholders, employees, and creditors.

Lest that portrayal of his boss seem difficult to square with the Fox companies' stellar financial performance, Sheehan had an explanation. He, not Fox, was the real genius of the operation. Since becoming Fox Film's head of production in October 1925, Sheehan claimed in his affidavit, he personally had led the studio to its peak of creative and financial success.

"I was the responsible general manager and the chief executive of this company, and under my management and supervision, the company has prospered enormously," Sheehan stated. "I have a more intimate knowledge of the general business details, production details, distribution details, and all other fields which are under my supervision, than any other official, executive or employee of the company." The numbers proved it, Sheehan said. In 1925, when he took over as head of production, the studio's gross income from motion pictures had been \$21.3 million. For 1929, gross income from similar sources was \$72 million. Fox, Sheehan implied, was a mere figurehead.

No, Sheehan was not being disloyal. Rather, as Fox Film's true steward and protector, he felt an "earnest obligation and duty to set forth the facts as they occurred."

A reporter who visited Sheehan in his suite at the Savoy-Plaza

around this time glimpsed a spirit other than the selfless pursuit of truth. "A determined jaw clamped down hard on what was once a cigar. One finger pointed aggressively by way of emphasizing the import of what was to come: 'I know I am right and I am determined to win.'"

Some of Sheehan's claims were outright lies and others were gross distortions. Fox had no underhanded deal with the Bancamerica-Blair group. There would be no great savings with the Halsey, Stuart plan: either it wouldn't happen or it would lead to plundering of the Fox companies. As for the connection between Sheehan's installation as head of production and Fox Film's greatly increased revenues, it was not a cause-and-effect relationship.

The most successful Fox movies of the second half of the 1920s (What Price Glory, 7th Heaven, Street Angel, Four Sons, Mother Machree, Lucky Star, The Cock-Eyed World) made money not only because they were skillful, crowd-pleasing entertainment, but also because Fox had bought enough of the right kind of theaters to show them in. In particular, Fox's January 1928 acquisition of the remaining two-thirds of West Coast Theaters' stock had guaranteed access to more than 450 high-class venues, so that Fox Film rentals from that chain increased from \$127,000 in 1927 to more than \$2 million in 1929. Additionally, because West Coast rented \$7.5 million worth of movies annually from other studios with large theater chains, Fox Film was able to bargain to get its movies into their theaters. Furthermore, the advent of sound had significantly enlarged the motion picture audience overall, increasing the pool of money available to be had. Other major studios such as Warner Bros., M-G-M, and Paramount had also seen a tremendous rise in income beginning in 1928 following the introduction of talking pictures.

Fox believed that Otterson and Stuart had promised to appoint Sheehan president of Fox Film if he helped them dispose of Fox.

"Little Caesar," director Raoul Walsh called Sheehan. "Power was his earthly god," observed former newspaper reporter Edwin C. Hill, whom Sheehan had brought to Fox News in 1922. Hill recalled Sheehan telling him, "I want to be the power behind the scenes. I

want to enjoy the sensation of pulling the strings and seeing the Punch and Judys do their stuff. That's the biggest thing in life. That's what makes money important." According to Hill, Sheehan had lost heavily in the stock market crash and his personality changed "from outward cheerfulness to a dour and distant attitude even toward those who had counted themselves as his friends." Hill was shocked by Sheehan's betrayal of Fox, who "had lifted him out of the obscurity of an ill-paid municipal job and made him a millionaire."

On March 24, the day that most New York City morning papers carried detailed articles about Sheehan's lawsuit, Fox issued a stinging reply for the evening editions. Previously, Fox had always built Sheehan up publicly, the better to advance their shared goals. Now he attacked, charging that Sheehan was scheming to "wreck this great enterprise" even though "Mr. Sheehan . . . owes everything he is and has in the world to me." Pointing out that he himself had turned down an offer of \$33 million for his voting shares, Fox said, "I want the stockholders to know that in all this desperate, sordid game of high finance, there is at least one man to whom money is not the only thing in the world."

Later, Fox would say that Sheehan's "treachery to me has been one of the great disappointments of my life." Out of "fondness," he had appointed Sheehan as West Coast head of production, even though Sheehan previously "never had anything to do with and knew absolutely nothing about the producing end of the business." Fox had taught him the job, watched over him, and allowed him to posture as the face of Fox Film even though other executives knew more about the business and had contributed "far more" to its prosperity.

Fox's sense of personal affront was tinged with sadness over the foolish futility of Sheehan's decision—not because Sheehan wouldn't necessarily get what he wanted, but because if he did, it wouldn't be worth the price he had paid. Alluding to *Macbeth*, Fox said of Sheehan, "Vaulting ambition has gone to his head and made an ingrate out of a good fellow."

Other assaults followed relentlessly. Two days after Sheehan sued Fox to try to force him back to the voting trust, Halsey, Stuart sent another blistering letter, this one twenty-four pages long, to the Fox stockholders. Repeating the same old accusations about Fox's recklessness and "selfish ambitions," the letter warned, "Are the stockholders to be constantly placed in peril by Mr. Fox . . . ?"

The following day, on March 25, 1930, Halsey, Stuart president Harry Stuart filed an affidavit of prejudice against Judge Coleman, asking the U.S. Circuit Court of Appeals to appoint another judge to take over the Fox receivership cases. The application was highly unusual—it was only the second one filed in that federal judicial district during the past thirty years. Stuart alleged that Judge Coleman's repeated demonstration of "personal bias and prejudice" in Fox's favor made it impossible for Halsey, Stuart to get a fair and impartial hearing.

On March 27, 1930, Judge Coleman disqualified himself from the Fox cases. He had no choice. Legally, it didn't matter whether the statements in Stuart's affidavit were true, only whether, if true, they were sufficient to show bias. Because they would be sufficient, Judge Coleman had to step down. Judge John C. Knox was appointed in his place. The receivership lawsuits would now have to begin all over again. The setback was a crippling blow to Fox. With the Fox board meetings less than three weeks away, he needed to move forward as quickly as possible.

The next day, Arthur Berenson, the Boston lawyer leading one of the receivership lawsuits, sent a letter to Fox, with copies to the press, asking twelve questions that were less questions than scurrilous, unfounded accusations. Among them: What were the secret side agreements that Fox had made with the Bancamerica-Blair group? (None existed.) Wasn't it also true that Fox planned to sell the Fox companies' "finest asset," West Coast Theaters, to RKO? (No.) Why had Fox voted himself a back salary of \$1 million when his companies were in such distress? (He hadn't.) The truth, however, wasn't the point. Frightening investors was.

With the in-fighting now on public display, morale at Fox Film was in shambles. As the *Los Angeles Times* observed, "The old spirit that has built the organization to what it is—a leader in its field—has gone. Mr. Fox or his former close associates must give way. It is doubtful if they can ever work together again in friendly business cooperation."

Specifically, either Fox or Sheehan would have to go. Both options would entail major loss. What would Fox Film and Fox Theatres be without William Fox, the person who had created them and built them out of a handful of dollars and a dream? Conversely, Sheehan had overseen Fox Film's most glorious productions and had, as Fox had not, an extraordinary eye for acting talent. *Harrison's Reports* warned that without Sheehan and his allies, "Mr. Fox will then again be surrounded by his relatives, whom he has always tried to keep in strategic jobs . . . Fox will go back to making . . . *Johnstown Floods*."

Whichever one left, that team of Fox loyalists would also have to go. Debilitating anxiety pervaded the workforce. As one observer pointed out, "when the men in the field do not know whether they will have their job the following day or not, they haven't the heart to work." Sales representatives in particular faced a baffling future. Just a few weeks away, in May 1930, negotiations would begin with theater owners to pre-sell almost all the studio's movies for the coming season, which would run from August 1, 1930, to July 31, 1931. Typically in the industry, at the time of contract signing, many of the movies offered had not yet been made. Exhibitors had to buy them based on the evidence of past performance and, critically, faith in a studio's ability to deliver what it promised. If Fox Film were to enter receivership, there would probably be no money for any movies at all. How were Fox Film sales representatives to persuade already distressed theater owners to take the chance of ending up with blank screens?

Even employees not directly on the firing line felt an urgency to lock down as much as they could get. Fox Film's biggest female star, Janet Gaynor, effectively went on strike in February 1930 and sailed off to Honolulu with her mother to avoid starring in Frank

Borzage's *Budapest* (later titled *Liliom*). Gaynor gave the studio a written list of eleven complaints—among them, that Fox Film's atmosphere had become "unpleasant and not conducive to developing her best talents." Until conditions improved, she declared, she didn't want to make any more movies for Fox. She also wanted a salary increase from \$2,000 a week to \$4,000 a week, shorter hours, more publicity, and a schedule of no more than three movies a year. Without such contract adjustments, she would not set "foot on the Fox lot again." Evidently Gaynor, who did not get along with Sol Wurtzel, who was running the studio in Sheehan's absence, feared that Sheehan might not return and that this was her last chance to get better terms.

The poisonous atmosphere also wore away at Eva Fox's mental health. After the mid-January 1930 incident when she jumped out from behind a door and threatened to throw sulfuric acid at Alfred C. Blumenthal, two more bizarre events occurred. During a visit from Alfred M. Greenfield and his lawyer Harry Sundheim, who were still trying to persuade Fox to sell his voting shares to Harley Clarke, Greenfield advised Fox to toss the Tri-Ergon patents into the deal. He considered them worthless.

"There was a time during these sessions that, rather than go on any further, tired as I was, I was ready to surrender these Tri-Ergon patents," Fox said. "Mrs. Fox was in the doorway, with only a curtain between us. . . . She came into the room and went into a rage of a kind I would never like to see her or anyone [else] in again. It resulted in a terrific expression of frenzy, and she finally dropped to the floor and passed out. For a while I thought she was dead. It took us half an hour to bring her to again."

Another time, to emphasize the extent of ruin Fox would face if he didn't sell out, Greenfield swept his arm around the room to indicate Fox's sizable art collection. "Now, you know you can't go on like this," he warned. "All these things are going to end up in the public auction room. You know they are going to strip this home." Again, Eva was listening from behind the curtain. Fox recalled, "She again went into a frenzy and said she didn't want a piece of it—it could all be sold." She would rather go back to the eleven-dollar-a-

month apartment they had rented after they were first married, she said, even though eleven dollars a month would now rent no more than a hall bedroom in New York City.

But they couldn't go back, Fox knew. It was one thing to be young and dream of good fortune, and another thing entirely to have had everything and lose it all.

The end began on March 28, 1930. On that date, "out of a clear sky, wholly unexpected," Fox received a letter jointly signed by Bancamerica-Blair; Dillon, Read; and Lehman Brothers releasing him from his obligation not to sell his Fox Film and Fox Theatres Class B voting shares. "That made me pretty suspicious," Fox said. Why would they give up this essential element of control?

Hastily, Fox had Untermyer arrange a conference with them on Monday, March 31. With little more than two weeks left before the April 15, 1930, Bancamerica-Blair deadline, he planned to ask for a sixty-day contract extension. He could still pull through, he believed. Greenfield, who knew about the bankers' letter—as did everyone else, because Sheehan had issued a press release about it —urged Fox to sell his voting shares to Harley Clarke and avoid the trouble. No, Fox said.

The meeting at the Bancamerica-Blair offices started badly. Instead of being brought into the conference room right away, Fox, Untermyer, and Untermyer's son Alvin were kept waiting outside for nearly an hour.

"You do all the talking," Fox told Samuel Untermyer. He and Alvin would watch the reactions of the bankers and their lawyers.

There were about fifteen of them. Fox recalled, "As I came into the room, they appeared to me as though they were all . . . wearing a Japanese mask. All their faces were tense." Studying those impassive expressions, Fox understood that something had gone terribly wrong, that the bankers who had supported him "like school boys in a contest" at the stockholders meeting had turned cold. He had no idea what had happened.

Untermyer opened the meeting by asking for a contract

extension until June 15, 1930.

Fox recalled, "There was dead silence, and at the other end of the room Mr. Swaine, attorney for the Bancamerica Blair Corporation, asked Untermyer a wholly irrelevant question."

Untermyer spent about fifteen minutes answering, then repeated his request for an extension.

A Lehman Brothers' lawyer asked a question that took Untermyer another fifteen minutes to answer.

"Not a sound out of all these bankers. Not a word, not an eyelash movement," Fox said. "You couldn't read what was in their faces at all. You had to guess at it."

For the third time, Untermyer asked for an extension.

Swaine replied with another question.

Fox realized that it was hopeless. "I went over to Alvin Untermyer and said, 'Go and tell your father not to ask the question again, but to leave with our question unanswered,' and so we did leave. It was never replied to."

Now he understood. The pile-up of legal action, the relentlessness and the intensity of aspersions against his character, Halsey, Stuart's threats to sue over its alleged preferential financing contract: it all added up to too much trouble for the Bancamerica-Blair bankers. They wanted out.

Then why didn't they just say so? Fox later admitted that he had probably scared them. "I wasn't guarding the language that I was employing," he conceded. He had been urging his lawyers to get a grand jury indictment of his adversaries for criminal conspiracy. "It wasn't a secret. It was commonly talked about. What was the use of saying no when they [the Bancamerica-Blair bankers] didn't have to say anything—when perhaps in the near future Fox would make a sale and they could still occupy the position, 'We never said no. We wanted time to answer the question you proposed. Search your memory as you will and you will not find that we said no.' Of course, sometimes an answer is almost complete without saying anything."*

The fight was over, and he had lost. Seven major lawsuits, including four applications for receivership (three against Fox Film

and one against Fox Theatres) and many other lawsuits by creditors were pending against the Fox companies. According to legal experts, the situation was without parallel in legal history. Otterson and Stuart were virtually guaranteed to seize control at the April 15 board meetings.

Two days later, Fox made up his mind. To save Fox Film and Fox Theatres, he would sell his voting shares to Harley Clarke.

The End of the Dream

On Wednesday, April 2, 1930, Fox sent for Greenfield to help prepare a memo outlining his terms for selling his voting shares. Two days later, Greenfield went to see Clarke to make sure he had the money. Clarke did. Upon Greenfield's return, Fox agreed to proceed right away.

The next sixty hours flew by in a chaotic frenzy. Lawyers and aides and confidants were mustered, and a meeting arranged for Fox and Clarke at Clarke's office at 10:00 a.m. on Saturday, April 5. The various participants would move locations several times, go out to dinner together on Saturday to Childs, break off into splinter groups, and take brief naps, but throughout the long weekend, only Untermyer would leave (and then, only briefly, for a trip to Atlantic City) and among the others, none would even change clothes. Courtland Smith, who was advising Harley Clarke, said, "I have been in Mr. Fox's office and Mr. Clarke's office during these negotiations at which time no human being could tell who was there and who was not there. People were rushing in and out; various offers were being made, propositions were being made and counter-propositions; some propositions were being accepted and later completely denied. There was never a financial case in the history of this country in which there was so much confusion and so much disorderly conduct."

Fox was torn with remorse. He knew he had to sell. He also knew he didn't want to sell. He agreed to terms, then disagreed with them. He asked for something, then asked for more. He flew into a rage when others opposed him. Trapped, he kept looking for a way out that he knew didn't exist. Several times he seemed ready to walk away entirely. "Fox must make his own financial plans," he said. Fox would "rather have his name and prestige than any amount of money."

But he didn't back out. It had to be done.

By 9:00 p.m. on Sunday, amid a battalion of typewriters and stenographers at Samuel Untermyer's apartment at the Ambassador Hotel, the sale contract was finalized. Everyone knew that if Fox were to see Clarke in these ending stages, the deal might blow up. So, for the past several hours the two had been kept apart. Shortly after 9:00, with Fox absent, Clarke arrived at Untermyer's apartment and signed the contract. Then Clarke left to take the night train back to Chicago.

Around 11:00 p.m., Fox arrived at Untermyer's apartment. Untermyer insisted that because it was Sunday, they ought to wait until at least one minute after midnight, to ensure the legality of the contract. They watched the clock, and when it reached twelve, Fox wanted to wait even longer, "until ten or fifteen minutes past twelve—perhaps the watch we were going by was not keeping accurate time." It wouldn't make any difference, he thought. "I saw no haste. I knew that Clarke wanted these shares and I knew he would wait until Monday morning—yes, until a month from Monday morning."

Finally, sometime between 12:05 and 12:10 a.m. on Monday, April 7, 1930, Fox shrugged, picked up a pen, and silently signed the contract that ended his life's work. The dream was over.

In exchange for Fox's Class B voting shares—50,101 of the 100,000 total at Fox Film and all 100,000 of Fox Theatres—Clarke agreed to pay Fox \$15 million in cash.

As compensation for his claims for back salary, for the years he hadn't taken any payment as president of Fox Film or Fox Theatres, and to reimburse him for the expenses he had paid out of his own

pocket as well as stock price losses sustained in trying to protect the Loew's shares, Fox would receive an additional \$3 million, to be paid in the form of twelve \$250,000 promissory notes with 6 percent interest.

Fox would remain on the board of directors of Fox Film and Fox Theaters.

He would not remain, as he had very much wanted to, chairman of the board of either company. On that point, Clarke had resisted just as strongly as Fox had insisted. To resolve the dispute, Clarke had come up with the idea for Fox to serve for five years as chairman of a newly created advisory board for both companies. The duties weren't yet specified, but Fox would receive an annual salary of \$500,000.

He would also personally retain ownership of the Tri-Ergon sound-on-film patents, while giving Fox Film and Fox Theatres royalty-free licenses to use the technology. Although AT&T, which was helping to back Harley Clarke financially, aggressively pushed for the patents to be included in the deal, Fox would not relent. With the only alternative being a receivership for the Fox companies, which AT&T wanted no more than Fox did, the phone company gave in. It was a risk worth taking. Without a film studio or theater chain, Fox's power to use the Tri-Ergon patents would be hobbled. Indeed, beaten down as he had been, he might well take his \$18 million and, other than showing up once in a while to dispense the odd bit of advice, quit the motion picture industry and spend the rest of his days playing golf.

For at least two years, all Fox theaters would continue to be called Fox theaters.

For at least one year, all Fox movies would be captioned "William Fox presents."

Clarke would pay all Fox's legal fees. That was only fair, Fox believed, because the opposition camp had forced him to hire the lawyers.

Although Fox agreed not to compete with Fox Film in film production, he was free under certain conditions to produce content on 16mm film for the "home talker" market.

Altogether, Fox had landed safely. Remarkably, despite the depth of personal loss that the sale represented, he did what he could for those who had believed in him.

To Jack Leo, Fox Film vice president and his brother-in-law, and to Western Avenue studio superintendent Sol Wurtzel, Fox required that Fox Film pay each a bonus of \$500,000. That was \$1 million Fox might have had for himself, but he wanted to reward the two men's loyalty and provide for their families. Wurtzel especially must have faced intense pressure to turn against Fox. He had endured Fox's verbal abuse for years, had suffered a nervous breakdown in the early 1920s, had been passed over in favor of Sheehan as West Coast head of production, and had to work closely with top executives who had cast their lot in with Stuart and Otterson. Wurtzel, however, had not signed the December 17, 1929, roundrobin letter chastising Fox for disavowing the voting trust. Nor had he added his name to the March 5, 1930, newspaper ad that denounced the Bancamerica-Blair refinancing plan on the day of the stockholders meeting. He also had not joined with Sheehan in suing Fox to block the Bancamerica-Blair plan.

Before deciding to sell out, Fox had phoned Wurtzel and asked for allegiance. Wurtzel had agreed. But if Fox should sell out, Wurtzel said, all he had to do was ask and Wurtzel would return immediately to New York to help in any way possible. On a photo of himself that Fox gave to Wurtzel a short time later, he wrote, "Sol Dear, your loyalty I shall never forget."

Fox would also be able to choose ten Fox employees who would be guaranteed their jobs for the next three years at salaries not less than they were currently receiving.

Greenfield's Bankers Securities would instantly be repaid its \$10 million loan.

Samuel Untermyer would receive his \$1 million fee. Although Untermyer hadn't saved the Fox companies for Fox, he had put through the sale contract that avoided a receivership, and that was what Fox had asked him to do. Fox told Untermyer to make sure he got the money. Later, when Clarke refused to pay more than \$800,000, Fox gave Untermyer the remaining \$200,000.

For all Fox Film and Fox Theatres employees who had bought the new issue of Fox Theatres stock during the October 1929 Silver Jubilee sales campaign, Fox Theatres would offer to buy back their shares at the \$25 purchase price, plus 6 percent interest, at any time during the next ninety days. Fox had insisted on this provision as the company's "moral obligation." His employees had made the investment on the assumption that he would run Fox Theatres, and most of them could not afford to lose the money. Some 38,000 shares were involved, and at the time of the sale contract, they were worth \$11 each, so Fox Theatres stood to pay out \$532,000 above the stock's market value—and more if the price continued to decline.

Even those employees who had already dumped their Fox Theatres stock could still be made whole. In the April 8, 1930, offer letter, Jack Leo suggested that they repurchase the same number of shares and then sell them back to the company at \$25. Leo explained, "Mr. Fox is deeply appreciative of the faith and confidence which you have evidenced in the purchasing of the Theatre stock, and is happy to be able to inform you that no loss will be sustained by you." One grateful employee, owner of fifty-eight shares, wrote back, "I think it was most considerate of Mr. Fox to remember his employees even in the midst of negotiations involving such large affairs."

It fell to Samuel Untermyer to announce the sale of Fox's voting shares, which he did on Sunday night, April 6, 1930, even before Fox had signed the contract. Untermyer presented the transaction as a victory for all concerned, accomplished "under conditions that Mr. Fox is satisfied will safeguard the future prosperity and expansion of the companies and of their army of faithful employes [sic] who have for so many years aided him in upbuilding this great enterprise from a small beginning." The Fox companies' debts would all be paid in full, with interest, Untermyer said, and both Film and Theatres would have ample working capital left over.

Should anyone think that Fox had obstinately delayed this

resolution, needlessly causing five months of terror and anguish, Untermyer staunchly defended his client. "There has been no time, since the financial troubles of the company began, when Mr. Fox could not have sold his 'B' shares," Untermyer noted. Instead of running out, Fox had stayed and fought to secure terms that, when fully revealed, would "demonstrate the vision and unselfishness of Mr. Fox in the interests of the shareholders."

During the afternoon of Monday, April 7, 1930, Harley Clarke officially took over the Fox companies. First, at Untermyer's law offices at 120 Broadway, the officers and directors of Fox Film and Fox Theaters resigned. Clarke was elected the new president of both companies, and a temporary board was appointed, consisting of Fox, Saul Rogers, James R. Grainger, and Clayton P. Sheehan. Next, at the Bankers Trust Company in New York, where his voting shares had been in escrow since early December 1929, Fox handed over the securities and accepted in exchange a check for \$15 million and promissory notes for \$3 million.

News of the sale of control of Fox Film and Fox Theatres stunned the motion picture industry. It seemed inconceivable that after trying so hard to hold on, Fox had suddenly let go. Yet on the whole, the outcome was a welcome relief. The fight had gone on too long. Now everyone could get back to business. Ironically, in their statements to the press about the sale, both Clarke and Sheehan indirectly acknowledged that the scathing attacks on Fox's management had been lies. While Clarke announced that Fox Film's upcoming movies were "considerably ahead of any previous year" in both quality and efficiency of production, Sheehan attempted to restore public confidence by praising the fundamental financial soundness of both Fox companies.

The stock market shouted with approval. On Monday, April 7, short sellers in Fox Film rushed to cover, so that opening sales on the New York Stock Exchange shot up 95% points from Saturday's close to reach 50; the price then settled down to end the day at 48. Fox Theatres stock also rebounded, with heavy trading on the Curb Exchange, yielding a one-day gain of 21% for a closing price of \$11, a high point for 1930.

AT&T was pleased. On April 9, 1930, John Otterson sent a telegram to ERPI's London office manager that read, "Clarke is friendly to us and refinancing is to be under Halsey, Stuart leadership. Solution of problem is therefore entirely satisfactory to us."

Fox would never reconcile himself to the loss of his companies. "I was forced to enter into that [contract] under duress," he said over and over. "I had not any choice except to sell out." The only alternative would have been receivership, and "I did not want to see the stockholders of these companies suffer as a result of my not selling out."

The worst part, the soul-sickening aspect, Fox believed, was that nobody had won. "There was one thing that I felt certain of throughout this entire controversy and that was that if they ever were able to capture the two certificates of stock that gave them voting control of these companies, that what they really would capture would be just the two pieces of paper—not the Fox Theatres or the Fox Film Corporation. That I felt they never could capture, nor could they ever capture Fox himself. And instinctively I felt [that] without capturing him they were just capturing two certificates of stock, that some day in the future . . . they would come to the realization that what they had really captured would bring them suffering, anxiety, misery, destruction, unhappiness and all other things that go to destroy the hearts and minds of men."

PART IV

DESPAIR

1930-1943

Sorrow and Rage

After selling his voting shares on April 7, 1930, Fox was exhausted, confused, and profoundly distraught. It was only a mild relief that the vicious warfare had ended. He had lost the central, driving purpose of his life. In less than a year, he had changed from the most powerful man in movies to an outsider looking in.

He had lost himself, he felt. "My reputation and everything I had in the world were wrapped up in [the Fox companies'] welfare," he said. Among friends, he wept. He may have been suicidal. Fox Film publicist Victor Mansfield Shapiro heard that when Adolph Zukor and a Guaranty Trust bank executive visited Fox at his Ambassador Hotel suite shortly after the sale, they had to restrain him physically from jumping out the eleventh-floor window.

Religious faith had failed him. He had prayed constantly to God not to let anyone take away his business, and he had believed that "God knows which side is right." Yet, if any prayers had been answered, they were those of Clarke. "I probably said, 'Dear God, I have prayed hard and here you have destroyed me.'"

Rage overtook him. On April 8, 1930, the day after the transfer of power, he wrote a twenty-two-page letter to the Fox Film and Fox Theatres stockholders purporting to answer the attacks leveled against him "as dispassionately as circumstances will permit." That turned out to be not very much at all. Everywhere he looked he saw targets for scorn and condemnation. AT&T was a "sinister figure" that had spewed forth a "maze of falsehoods, distortions and half

truths." Halsey, Stuart had made "ridiculously false" and "grossly misleading" claims, pretending to be "angels" to the Fox companies while gouging large profits from them. Winfield Sheehan was an egotist of "inordinate conceit," a brazen liar, and a "beggar on horseback whom I advanced from post to post" and who then betrayed "every tie of decency" to his greatest benefactor. And so on and so on.

Was it really necessary to say all this publicly? The Fox companies' new management urged Fox to go away—far away, preferably to another continent. "Fox to Sail for South America," read a front-page headline in the *New York Morning Telegram* on Wednesday, April 9, 1930. The article explained that on Saturday, April 12, under an assumed name to avoid publicity, Fox would head across the equator for several months and then travel to Europe for an extended stay. Another rumor, published on April 12, 1930, in *Motion Picture News*, predicted that at the end of the month, Fox would take the ailing Eva for a water cure in Germany. Neither story was true.

Yet, Fox did leave town. Around mid-April 1930, he retreated to Atlantic City for about seven weeks. Telegrams sent to him at the studio's Tenth Avenue offices went unanswered. Returning to New York in the latter part of June, he was somewhat reconciled to present circumstances. He still had some power. He was the chairman of the new advisory board. He was still on the board of directors of both Fox companies. As one journalist wrote, "It is almost inconceivable that William Fox should be through."

He also had more reasons than ever to be angry and very little motivation to restrain his feelings. The facts were plain. For five months he had struggled to refinance his companies and had found, ultimately, not one dollar on Wall Street available to him. Clarke had no such difficulty. On April 17, 1930, just ten days after buying Fox's voting shares, Clarke announced that he had arranged for Fox Film and Fox Theatres to receive \$103 million in new money, enough to pay off all their debts. Fifty-five million dollars would come from an issue of one-year, 6 percent Fox Film notes, underwritten by Halsey, Stuart.* Another \$30 million would come

from a GTE ten-year bond issue, underwritten by the Chase Bank and the W. S. Hammons Company of Boston, and marketed by Chase Securities, along with Halsey, Stuart and three other leading Wall Street brokerage houses. The remaining \$18 million would come from the sale of 433,000 new shares of GTE stock, again underwritten by the Chase Bank and to be marketed by a group of leading brokers.

Furthermore, the Chase Bank had loaned Clarke the \$15 million* he needed to buy Fox's voting shares. (The money would be repaid within two weeks through another Chase Bank loan, this time for \$27 million advanced against the anticipated proceeds of the \$30 million GTE bond sale.) The Chase Bank, then, had effectively installed Clarke. As Clarke told Harry Stuart over the phone, "If it had not been for the Chase [Bank], I could not have gotten the money."

This was the same Chase Bank (then the largest commercial bank in the world, with more than \$2 billion in deposits, capital, and surplus) that three months earlier had denied Fox's request for an extension on an overdue \$400,000 loan. On January 6, 1930, Fox had written to Chase Bank chairman of the board Albert Wiggin asking that his "good bank" lend "a kindly helpful hand" to Fox Film as it tried to get back on its feet after the stock market crash and offering to secure the loan with his personal real estate holdings. Two days later, a Chase Bank vice president wrote back saying that "the indebtedness of the Fox Film Corporation to this bank cannot be permitted to run along indefinitely" and that to recover the loan's remaining balance of \$353,740.21, the bank had instructed its lawyers to take action. The next day, the Chase Bank served Fox Film with a complaint, and at the end of January 1930, it filed a default judgment with the county clerk.

Why was Harley Clarke so much more appealing than William Fox, to be trusted with \$103 million when Fox couldn't be trusted with \$400,000—Clarke, who knew nothing about the motion picture business, while Fox knew everything about it? There was no reason to suppose, nor did anyone even suggest, that the Fox companies would benefit by inclusion in Clarke's General Theatres

Equipment portfolio.

Fox's lawyer Samuel Untermyer suspected anti-Semitism. That probably was a factor, not directly, but as aligned with social class. Jews such as the Warburgs, Jacob Schiff, Otto Kahn, and Bernard Baruch, who came from prosperous, refined backgrounds, were quite welcome on Wall Street, but Fox wasn't that sort of Jew. He had risen from the squalid Lower East Side ghetto, had only a third-grade education, and belonged to a new industry that still wasn't entirely reputable. His Jewish faith was emblematic of his otherness and, in this notoriously intolerant decade, a warning sign to the Protestant ruling class. For his part, Fox had never made a great effort to assure establishment forces that, outward appearances to the contrary, he was really one of them. He was too steeped in the nineteenth-century romantic myth of rugged individualism to make such compromises and too determined not to fall back into poverty to give anything away that he didn't have to.

Fox himself discounted anti-Semitism. After all, Jewish-run banks had also failed to help him. Greed, he believed, had driven the campaign against him. In these desperate times, Harley Clarke needed the Fox companies' money, and to get it, he had forged a web of corrupt alliances in upper-level financial circles.

The Chase Bank's chairman, Albert H. Wiggin, had long been associated with Clarke, having backed him since the early 1920s. With Wiggin's help, Clarke had expanded his Utilities Power and Light Corporation from a small regional operator into a \$400 million worldwide holding company. When Clarke entered the mainstream movie industry by starting General Theatres Equipment in July 1929, Wiggin poured Chase Bank money into the company through Chase Securities and helped finance a series of stocktrading pools that artificially boosted GTE's share price from \$20 to \$65 within nine weeks.

Wiggin wasn't being a good banker, piling up money for his company. He was, in effect, stealing. As he funneled some of the bank's money into Chase Securities to make stock trades (a legitimate action) he cut himself in for a substantial share through his six private corporations. To finance their participation in these

and other trading pools, Wiggin's corporations borrowed from the Chase Bank—in 1928–1929, his Shermar Corporation received fifteen loans totaling \$11.8 million. Nobody complained for two main reasons. First, Wiggin had been Chase's chairman since 1918 and was widely considered one of the best bankers in the business. Second, those who knew about the operations—Chase Bank and Chase Securities officials—also participated in the trading pools. Over the years, Wiggin and Clarke had made millions together. From the GTE trading pools alone, between July 9 and September 18, 1929, Shermar reaped nearly \$800,000. (When later scrutiny brought such misconduct to light, Wiggin paid a \$1 million settlement to Chase Securities and conceded, "we have made mistakes.")

Tightly tied together, GTE was essentially a Chase company. One of GTE's five directors, who had assisted in its formation, was Chase Securities vice president Murray W. Dodge.* Thus, Chase executives well knew how much hot air had been pumped into the GTE stock and well understood that to prevent collapse, it was crucial to lasso a large, wealthy customer such as the Fox empire.

Similarly, by pledging to use the Fox companies to benefit the phone company's interests, Clarke had won the support of AT&T, then the world's largest corporation, with \$4.25 billion in assets. Out of the 20.1 million phones in the United States in 1930, AT&T had a financial interest in all but 100,000. Phone service rates, however, were tightly regulated by most states and by the federal Interstate Commerce Commission. Among all AT&T's activities, motion picture sound equipment manufacturing represented the only road to potentially unlimited profits.

As Clarke linked arms with these two pillars of American business, the Chase Bank and AT&T, the circle closed. The phone company was Chase's largest depositor, and impending Chase Bank president Winthrop Aldrich would join the board of directors of AT&T in August 1930.

Fox, on the other hand, was well known for his scorn of bankers; known to have marketed Fox Theatres stock through his own trading syndicates in 1928 and 1929, rather than pay commissions;

and known to be at war with AT&T. He was a deliberate outsider. He didn't want to collaborate—or, as he saw it, conspire against his stockholders, employees, and customers by putting another set of interests ahead of theirs.

And so history had replaced William Fox, the old-fashioned captain of industry, with Harley L. Clarke, the twentieth-century corporate executive.

The new modern business broom swept away Fox loyalists on the boards of directors. In came a cadre of supposed financial experts. At Fox Film, these included Clarke himself; a fire insurance company president, a former senior partner in a stock brokerage firm that had failed for \$12 million in 1923 and was suspended from the New York Stock Exchange; Harry Stuart's brother, Charles B. Stuart; and Matthew C. Brush, president of the American International Corporation, and a prominent stock market operator. Fox believed that Brush—"careful, cunning, smiling"—had divided his "tremendous" profits from various stock raids with Wiggin and others and had been rewarded with a Fox Film directorship.

The only holdovers from Fox's board of directors were Fox, as required by the voting shares sale contract; Sheehan; and Fox Film lawyer Saul Rogers. Thus, at its highest governing level, Fox Film now had only two out of eight people with any experience in film production. One of them, Fox, was unwanted. The other, Sheehan, usually stayed in Los Angeles to run the studio. At Fox Theatres, new board members included a surety company president; a St. Louis, Missouri, attorney; and several stockbrokers.

Announcement of the refinancing plan prompted, within days, two stockholders' lawsuits from several familiar faces. In state court, Stanley Lazarus, representing the Fox Film stockholders protective association, attacked Clarke's plan as fraudulent and illegal, involving wrongful transfers of assets from Fox Film to Fox Theatres and GTE. In federal court, brothers Arthur and Lawrence Berenson, the Boston lawyers who had filed one of the receivership lawsuits, accused Clarke of a bait-and-switch scheme and pointed out two

important facts that had been almost completely overlooked amid the hubbub over the \$103 million influx. First, the Halsey, Stuart refinancing plan advocated so vociferously at the March 5, 1930, stockholders meeting had disappeared without any explanation. Second, the substitute plan was not really permanent financing because \$55 million of the \$103 million had come from one-year notes that would have to be repaid on April 15, 1931.

Money made those shareholder complaints go away, as it concurrently did the receivership lawsuits. The Berensons received \$300,000 from Fox Film and \$200,000 from Fox Theatres, even though they represented only Fox Film shareholders and had sued only Fox Film. Lazarus also withdrew his lawsuit after settling for an undisclosed amount. Isidor Kresel, who had buffaloed Susie Kuser into the receivership lawsuit that she repudiated once she understood it, got \$50,000. Elsewhere, the Hughes, Schurman & Dwight law firm received \$500,000, and Clarke paid \$500,000 to Blumenthal and \$100,000 to Courtland Smith, as commissions on the voting shares sale.

Ongoing rewards were also distributed. Sheehan, who had earned \$130,000 a year under Fox, received a new five-year contract that immediately boosted him to \$250,000 for the first year and provided \$50,000 annual increases thereafter until the fifth year, when his salary would jump from \$400,000 to \$500,000. Over the life of the new contract, Sheehan was to receive \$1.8 million, compared to the \$625,000 he would have had under the Fox regime. Courtland Smith and John Zanft, evidently fired by Fox in early 1930 for sedition, were rehired. The brother of Judge Aaron Levy, who had tried to prevent Fox from controlling the voting shares at the March 5 stockholders meeting, was hired around June 1930, by the Fox Film Ladies' Wardrobe Department in Los Angeles at \$150 per week. Although he had publicly remained neutral, Sol Wurtzel also hadn't made waves; his salary increased from \$52,000 to \$130,000 a year.

Fox was aghast. All those wasteful fees and excessive salary payments would ultimately come out of the shareholders' pockets by reducing the Fox companies' net profits and imperiling their ability to operate efficiently amid the worst economic crisis in American history.

But a new day had dawned! Clarke promised to "pour the greatest amount of money and gather together the most outstanding aggregation of brain power" to produce the greatest hits the motion picture industry had ever seen.

The Meter Reader and the Banker

 $\mathbf{F}_{ ext{ox's}}$ vision of ruin came to pass more swiftly than he expected.

In less than two years after he sold his voting shares in April 1930, Fox Film became a gaunt, income-starved skeleton, and Fox Theatres was on its deathbed. While it's impossible to specify the extent of damage done by the Great Depression, it's also impossible to ignore the devastating actions and atmosphere of the companies' new management. Leaving aside the not-irrelevant matter of character, one trade publication remarked about Clarke's takeover, "This marks the first time in film history that a man of no Broadway experience, no experience in film production, no experience in chain theatre management, has ventured to direct a vast amusement enterprise of Fox calibre."

Having spent almost his entire career in the utilities business, forty-seven-year-old Clarke—"the meter reader," Fox called him—showed little interest in learning about Fox Film. He also did nothing to alleviate, but instead exacerbated, the internal strife generated by the five-month fight for control. Rather than changing course now that he had won, he continued the trickery and deception that had helped him win command of the Fox empire.

As one of Fox's friends, a German who met Clarke shortly after the takeover, commented to Fox, "This man is cold—he has no heart. He doesn't care whether this company is good or bad." Events of the next eighteen months would prove the point. Clarke didn't love the movies the way Fox had. That attitude sealed the doom of the Fox companies.

"Neither Clarke nor his efficiency experts knew one solitary thing about making pictures. Chaos compounded confusion," said Fox Film publicity head Victor Mansfield Shapiro.

Clarke's first pronouncement was that henceforth Fox Film would produce only clean pictures. Clean pictures, Clarke reasoned, were what the American people really wanted, and therefore clean pictures were guaranteed to make money. Clarke might have taken a look around. While it was true that Paramount's Tom Sawyer would become 1930's top-grossing movie, with an estimated \$11 million box-office take, the emerging Depression-era market was grittier and multi-shaded. Other major commercial hits of the year included Hell's Angels, with eighteen-year-old platinum blonde Jean Harlow as a scantily dressed bombshell who declares that she "couldn't bear" to be tied down to a husband and children; All Quiet on the Western Front, which bluntly depicted the soul-killing horrors of war; and the rogue release Ingagi. Made by the small independent Congo Pictures, Ingagi marketed itself as a documentary about African women snared into sex slavery by a giant gorilla. One poster, headlined "Wild Women-Gorillas-Unbelievable!", showed a drawing of a gorilla holding a short-skirted woman by her bare breast. Although the movie was soon exposed as a complete fake made from scraps of old travel pictures and newly shot low-budget Hollywood footage, with an actor playing the gorilla, it did sensational business in many cities nationwide. Nineteen thirty-one brought the Warner Bros. gangster movies The Public Enemy and Little Caesar; M-G-M's Mata Hari, with Greta Garbo as an exotic dancer-courtesan-spy; and from Universal, Dracula, as well as the year's top-earning movie, Frankenstein. Dark times required some acknowledgment.

Clarke went his own way. Fox Film's movies from this period weren't so much clean as weary and insipid, the output of a studio that had lost its vision and that had been badly traumatized by recent events. The new regime's main attempt at originality, *Are You There?* (1930), starring British comedic actress Beatrice Lillie, cratered, losing almost all its \$430,000 in production costs, while Fox's biggest hit of 1931, *Daddy Long Legs*, traded on the legacy appeal of Janet Gaynor and Warner Baxter. Otherwise, remakes and sequels proliferated, much more so than at any other major studio. Some succeeded. New versions of the mother love tearjerker *Over the Hill* (1931), *Merely Mary Ann* (1931), and *The Man Who Came Back* (1931), the latter two with romantic favorites Janet Gaynor and Charles Farrell, held their heads above water. Others might have done well, had they not been burdened by overblown budgets. *A Connecticut Yankee* (1931), starring Will Rogers, sank under the weight of its \$868,000 cost and lost \$94,000.

Some decisions to revisit the past were incomprehensible. The creaky Victorian melodrama *East Lynne*, about an upper-class Englishwoman exiled from her home by her sanctimonious husband and able to see her children only by returning in disguise as a governess, had failed twice before for Fox Film. The 1916 effort, with Theda Bara in the lead role of Lady Isabel, elicited howls of laughter from audiences who wanted to see her only as a vamp, and the 1925 version came across as an "admitted antiquity" despite capable acting by Alma Rubens. By 1931, the story was older than ever, yet the studio cast Broadway star Ann Harding in the main role, spent \$734,000 and lost \$57,000. The generally tolerant magazine of the National Board of Review commented, "It has no relation to the modern cinema beyond being photographed by a motion picture camera, any more than it has any relation to modern human behavior."

Clarke's biggest mistake as a producer, the one with the greatest consequences for both Fox Film and the motion picture industry, was his handling of *The Big Trail*, which introduced handsome, twenty-three-year-old John Wayne in his first starring role. The movie had been planned during the Fox administration as a showcase for the studio's Grandeur widescreen technology. After two previous outings in *The William Fox Movietone Follies of 1929*

and Happy Days (1930), Grandeur was now virtually flawless.

At first, Clarke followed Fox's blueprint. When The Big Trail began filming on April 18, 1930, eleven days after Clarke's takeover, it had first-class director Raoul Walsh, two complete camera crews (one for 70mm Grandeur and one for the standard 35mm format), and a lavish budget that would ultimately total \$1.76 million, more than Fox Film had ever spent to make a movie before. Production lasted four months and took place mostly on location in seven western states, with ninety-three actors in important speaking parts. Also on hand were 20,000 extras; 1,800 head of cattle; 1,400 horses; 4,000 elk, deer, and moose; 500 buffaloes; 200 chickens; two full-grown black bears; and three bear cubs. Positioning The Big Trail as the flagship release of its 1930-1931 season, the studio scheduled splashy premieres in Grandeur at the Fox-controlled Chinese Theatre in Hollywood on October 2, 1930, and at the Roxy Theatre in New York on October 24, 1930. With classic Fox Film verve, publicists proclaimed The Big Trail as "the most important picture ever produced."

If not exactly that, *The Big Trail* was still a spectacular achievement. Portraying settlers crossing the Oregon Trail in the mid-1800s, with Wayne in the role of their scout and defender, the movie has held up well enough that, in 2006, the Library of Congress chose *The Big Trail* for preservation in the National Film Registry. In its own day, critics praised the movie as "a rich credit to the very business of picture making," and "a vivid record of our country's growth, which should swell every American citizen with pride and patriotism . . . a four-star production." Both opening engagements did robust business.

In wide release, however, *The Big Trail* flopped, earning domestic rentals of only \$945,000 and, after marketing expenses, losing more than \$1 million. The usual explanation is that because of the Great Depression, and having so recently invested in sound conversion, theaters were in desperate straits and couldn't afford to install the 70mm equipment necessary to show *The Big Trail* to best advantage. The facts are more complicated.

While it was true that very few exhibitors had installed

Grandeur equipment by the fall of 1930, their reluctance to adopt the new technology did not stem primarily from economic gloom. At the time, very few people realized they were in the Great Depression: the downturn wouldn't hit bottom until July 1932, and Hoover White House was still touting the economy's fundamental soundness. Within the motion picture industry, optimistic boosterism prevailed. As of July 1930, the major Hollywood studios planned to spend a record \$200 million in the coming season, with \$175 million going for movies themselves and the rest to be invested in new facilities. Studios were also continuing to buy theaters as retail outlets for their movies, and the houses that closed during 1930 seem to have done so more as a result of the consolidation process than because of suddenly empty cash registers. Instead, resistance to Grandeur arose mainly from concern over a lack of standardization—other companies were developing rival widescreen technologies with different screen aspect ratios—and from a sense of being already overburdened by adaptation to talking pictures.

As they had with sound-on-film, the Fox companies might have led the way. They had the money, having received \$103 million from the April 1930 refinancing. And they were spending it. In June 1930, Sheehan announced that Fox Film would pay out \$5 million during the next six months for additional buildings and landscaping at the Movietone City lot, which had opened only two years before. At Fox Theatres, the outlay was even more abundant. In May 1930 the new board of directors appropriated \$20 million for theater renovations during the coming year, despite the fact that Fox had kept the properties in tip-top shape. Six months later, \$9 million had been spent on about 45 percent of the circuit. That money would have covered the installation of widescreen equipment in many Fox theaters, even though in addition to the \$7,000–\$8,000 projectors, expenses would have included a new screen, additional amplification, and possibly rebuilding of the projection booth.*

However, out of about seven hundred U.S. theaters controlled by Fox Theatres, only eighteen were deemed suitable for Grandeur installation. For about twenty of the forty or fifty Fox theaters that had closed in the New York City area, rather than try to revive them with Grandeur, Clarke planned to transform them into indoor miniature golf courses, at a cost of \$25,000 each.

It seemed to make no sense. The studio spent a fortune on *The Big Trail*, promoted it effusively, and then sent it out into a market that was literally unequipped to receive it.

Yet, it did make sense. Between the start of production and the release of the movie, Harley Clarke realized that William Fox was not going to fade away into retirement, but meant to harass him at every possible turn. At Fox Film and Fox Theatres, Clarke could beat back his predecessor with the big stick of the voting shares, but at Grandeur, Fox was equally armed because the two of them owned the company fifty-fifty.

It soon became clear that they would not get along. Blind with rage at having lost his companies, Fox scratched and clawed to regain whatever he could, even if it was nothing he particularly wanted. Immediately after the voting shares sale, he picked a fight over his contractually provided right to participate in 10 to 20 percent of the Fox companies' refinancing. Although he had no faith in Clarke's leadership, he demanded that Clarke sell him 320,000 of the newly issued 1.6 million Fox Film Class A shares. Fox knew Clarke needed to keep as many shares as possible to generate dividends to support the rickety General Theatres Equipment. Indeed, Clarke offered Fox only 116,000 shares—10 percent of the number he had left after giving 440,000 shares to his bankers. Using the scorched-earth tactic used so recently against him, Fox threatened to file a receivership lawsuit unless he got the full 20 percent. Would he really destroy Fox Film? Clarke's lawyers counseled that Fox was probably bluffing, but Clarke knew the strength of Fox's will. Fearing that if Fox got any shares at all he might vindictively dump them on the market en masse, causing the price to collapse and ruining the refinancing, in August 1930 he bought out Fox's entire claim to refinancing participation with \$2.8 million in GTE one-year notes.

Fox also hounded Clarke about Grandeur, demanding a directors meeting and insisting on his right to examine the company's books. Clarke tried ignoring him, but Fox wouldn't relent. That spelled trouble because Clarke had been playing fast and loose with Grandeur's finances, borrowing as much as \$500,000 without Fox's knowledge and letting GTE bilk the Grandeur-owned Mitchell Camera Company, Hollywood's leading motion picture camera manufacturer, for a phony 10 percent commission. Grandeur would be no good to Clarke if he had to put up with a vengeful, interfering partner like Fox.

In early May 1930, as tension with Fox escalated, Clarke hinted that Fox Film might drop the Grandeur format.* By October 1930, when *The Big Trail* premiered, he had decided to do so. The studio would never make another Grandeur movie.

It was a huge mistake, Fox believed, to shelve a dazzling new technology at a time when the industry needed to do everything possible to retain its patronage. In mid-1932, with the U.S. economy at a nadir and the motion picture industry suffering the effects, Fox said of Grandeur, "It would have given them the finest kind of business during this period of depression. They would never have felt the Depression if they would have gone forward with this project." Perhaps he was wrong. Perhaps nothing could have mitigated the loss of entertainment revenues during these dark years. If so, it would have been the first time in a quarter of a century that Fox had completely misjudged the mind of the motion picture audience.

Clarke's administration made other careless blunders. In March 1931, rather than raise John Wayne's salary from \$100 to \$125 a week, the studio dismissed him, despite his well-praised performance in *The Big Trail*. Later that year, the studio deemed John Ford too expensive at \$3,000 a week and dropped him, too. Instead, for less than half Ford's price, Sheehan hired six would-be directors to work in pairs—a production manager, an actor, a prop man, a film editor, and two writers. None produced any memorable

work. Other future legendary names who passed through Fox Film during this time with scant appreciation included Humphrey Bogart, who made his film debut in *A Devil with Women* (1930), inexplicably teamed with Victor McLaglen as a comedy act; Jeanette MacDonald; Joel McCrea; and three former vaudeville comedians then called the "Racketeers"—brothers Moe and Shemp Howard along with Larry Fine, who would soon achieve success elsewhere as the Three Stooges.

William Fox had been a leader. Harley Clarke did not want to be one. Fox had inspired, motivated, celebrated, corrected, criticized, scolded, and, on occasion, as Sol Wurtzel well knew, terrorized his employees to get the results he wanted. Clarke turned away. He didn't like the executives he inherited, especially the ones who had betrayed Fox during the fight for control. As he said shortly after the voting shares sale, "You know, Fox, I have enough intelligence to know that you have been shamefully and brutally treated by men who had your confidence . . . I have enough sense to know that if these men double-crossed you, they would soon double-cross me."

During the critical transition period, Clarke wasn't even present. He spent part of the summer of 1930 in Europe, negotiating to acquire large interests in German gas and electric companies. As a result, studio politics, previously held in check by Fox's strong, paternalistic authority, ran wild.

The most serious friction occurred between Sheehan, head of all production and chief of the Movietone City lot in West Los Angeles, and Wurtzel, general superintendent of the secondary Western Avenue studio in Hollywood. Neither one was happy. After betraying Fox, Sheehan had failed to gain any reward except an increased salary. He didn't become, as everyone had expected, president of Fox Film because Harley Clarke took that position for himself. New York head of publicity Glendon Allvine, who found Sheehan to be "always a volatile tycoon accustomed to having his own way," described their meetings around this time: "[I]n the mornings, he used to work off his tensions by walking in Central

Park, and I dreaded the occasional summons to walk around the reservoir with him . . . After a night of drinking and thinking and tossing and worrying, his subconscious sometimes dredged up unexpected broodings and revenges that needed ventilation."

Wurtzel also stayed stuck in place, once again overlooked and unappreciated. No one seemed to notice that he had run the studio between October 1929, when Sheehan left for Europe, and late May 1930, when Sheehan finally returned to the West Coast from New York. To keep his job, Wurtzel now had to remain mutely in the background while Sheehan launched a major campaign to revise history and establish himself as the driving force of all Fox Film's accomplishments. Surely it couldn't have been easy to read the five-page article in the November 1930 *New Movie Magazine* about the "shrewd and able Mr. Sheehan . . . the man who made Fox Films [sic] what they are today and who turned a dream into a great production program."

Evidence also indicates that Wurtzel had to loan back to Fox Film the \$500,000 bonus that Fox had secured for him and that the money was repaid to Wurtzel, without interest, in \$2,000 weekly installments over a period of 250 weeks beginning on May 26, 1930. According to the arrangement Fox had made, Wurtzel was supposed to receive the entire \$500,000 within sixty days of April 7, 1930, with 6 percent accrued interest.

Powerless to address the real sources of their discontent, Sheehan and Wurtzel took what they could from each other and from the business. Although he didn't succeed, Sheehan wanted to close the Western Avenue studio and consolidate production at Movietone City, a plan that was clearly meant to undercut Wurtzel, if not push him out the door. In the same spirit, Sheehan took credit for *The Big Trail* when it looked as if it would be a hit. Advance publicity material described Sheehan as the "guiding genius of production" whose "finger has ever been on the pulse of this masterpiece from the day of its inception." After the movie foundered, Sheehan claimed in his deposition for a plagiarism lawsuit that he'd had nothing to do with the movie and that he had never even spoken to director Raoul Walsh about it. Sol Wurtzel,

Sheehan now said, had been in charge. That wasn't true. Sheehan spent a week on location in Wyoming with *The Big Trail*, and photos show him standing next to Walsh, watching production.

Wurtzel also used *The Big Trail* for his own purposes. In an action that would have been inconceivable during the hawkeyed Fox regime, Wurtzel assigned his ne'er-do-well brother Ben, previously head of Fox Film's maintenance department, as the movie's business manager. Predictably, Ben Wurtzel, who had a long history of cadging loans from his brother that he never repaid, stole from the production. In Yuma, Arizona, he made a deal with a farmer to falsify weight records and bill for four hundred more tons of alfalfa hay than the farmer delivered. Ben took the entire \$7,400 excess payment. Another crew member, formerly in the hay and grain business, discovered the fraud after noticing the number of animals and wondering how they could possibly eat so much. Ben Wurtzel wasn't fired, but returned to his former maintenance department job.

It was no way to run a studio. Murmuring arose that Fox might return. That didn't happen. What was done was done.

Despite his uncontrollable animosity toward Clarke, Fox tried to help. His name was still on the studio, on the movies, and on the theaters. He later said, "I had constructed this company and I really thought they were desirous of having my advice and counsel."

The advisory board, for which Fox was being paid \$500,000 a year to serve as chairman, met only three times. During those sessions, Fox hammered away at Clarke about cost-saving measures. Of paramount importance, Fox warned, was the need to keep a close eye on the film rental contracts that the studio's branch offices made with exhibitors. The relationship was key to the company's profitability, and because there was no uniform pricing structure—every theater had to be evaluated individually according to its location, number of seats, price of admission, and competition—Fox believed it would be easy for crooked side deals to occur. He had therefore always personally reviewed every exhibitor's contract,

whether for \$100 or \$100,000, and he volunteered to continue to do so for no extra payment, even though the studio did business with about eight thousand U.S. theaters.

Clarke ignored all Fox's recommendations and rejected his offers of help.

Although Fox was supposed to remain a director of both Fox Film and Fox Theatres for five years, he was invited to only one board meeting for each company and was never notified about the dates of subsequent meetings.

When Fox complained that it wasn't fair to keep him in the dark, Clarke replied that the new regime was fully competent on its own. Fox commented, "No, they didn't need any advice. They took me into a room and showed me a stack of books that contained statistics they had just prepared that gave them complete knowledge of the business."

Undeterred, Fox started writing letters to Clarke. "And I wrote many times. I got tired of writing to Mr. Clarke offering my services, to which he would write a very polite letter and say that if anything came up, he would be sure to send for me—and for some reason, nothing ever came up."

Fox soon understood. Clarke meant to plunder the Fox companies' treasuries to generate sales for his General Theatres Equipment.

That may have been the main purpose of Movietone City's \$5 million upgrade. Plans called for the construction of eight new sound stages, all of which would need new equipment, all of which had to be ordered from General Theatres Equipment and Western Electric. In a particularly egregious example of wasteful spending, in late May 1930 the studio ordered forty Grandeur cameras from the J. M. Wall Machine Company, a GTE subsidiary, even though The Big Trail was already filming with three previously purchased Grandeur cameras and even though Clarke would soon decide to abandon Grandeur. More importantly, the J. M. Wall Machine Company just had built a new motion picture manufacturing plant in Syracuse, New York, the largest such facility in the United States, and it needed orders. Although no price for the Grandeur cameras was disclosed, they were estimated to cost \$7,000–\$8,000 apiece. The studio would never use any of them.

As the lower-profile company, Fox Theatres bore the brunt of Clarke's looting. Although Clarke nominally replaced Fox as president of Fox Theatres, to do the work he appointed as the company's new executive vice president Oscar S. Oldknow, the former vice president of GTE's National Theater Supply Company. Under Fox, no theater manager could buy any merchandise on his own authority. Fox said, "It was all purchased at the home office by what we called the meanest man in the world. He would argue longer about one-tenth of one percent additional discount on the balance if you paid it promptly than any other human could argue." Under Oldknow, all Fox theater managers became responsible for their own theaters. Summoned to New York, they were told to start renovating, with all orders placed through National Theater Supply.

Stories drifted back to Fox. "One theater manager came to me and said, 'I was at that meeting, but my building was in such fine shape, I couldn't spend a dollar to improve it. I was sent for. 'Didn't you hear the instructions? You haven't spent anything.' I said, 'But I have nothing to spend it for. I have no occasion.' 'We don't want the buildings in fine shape, as under the Fox regime. We want them superfine, as under the Clarke regime. You go on and do something.'" If he didn't, the theater manager understood, he would be fired. Consequently, although he had installed the best carpet available only six months before, the theater manager had it torn up and replaced "at cost, plus 15 percent." Similarly, a Fox Theatres executive had bought a new marquee for a California theater from another vendor on a competitive bidding basis. Clarke made him cancel that contract and buy the same item through National Theater Supply at a 15 percent markup.

The chiseling cost more than money. In September 1930, Harold B. Franklin, president and general manager of the West Coast Theaters division of Fox Theatres, quit after Clarke called him to New York and ordered him to refurbish all 513 of his theaters—the chain now extended as far east as Illinois—even though none of

them needed it. Fox met Franklin in the hallway right after that discussion. He and Clarke had had a "terrific" argument, Franklin said. No wonder. With an annual base salary of only \$65,000, Franklin drew most of his compensation from his 10 percent profit participation in West Coast's earnings. (Franklin had gotten that contract provision not from Fox, who didn't believe in profit-sharing arrangements, but from West Coast's previous owner, the Hayden, Stone banking firm.) During the first half of 1930, West Coast earned net profits of \$3.5 million, an amount that would be obliterated if Franklin spent the \$4–\$5 million that Clarke wanted. At most, Franklin offered to place the needless orders only if the expense didn't reduce his income. Clarke preferred to let Franklin go and bought out the remaining seventeen months of his contract for \$500,000.

Fox considered Clarke's decision "a most stupid and asinine act." Franklin was, Fox said, "one of the finest assets the corporation had, one of its best executives." Franklin went on to RKO, and West Coast Theaters quickly slid downhill.

While spending millions of dollars on unnecessary refurbishments, Fox Theatres slashed movie rental fees to other studios. In November 1930, eleven United Artists stars and producers, including Mary Pickford, Charlie Chaplin, Douglas Fairbanks, Al Jolson, Ronald Colman, Gloria Swanson, D. W. Griffith, and Sam Goldwyn, denounced Fox West Coast Theaters as "an arrogant monopoly" seeking to stifle art. According to the UA group, the circuit had introduced a new price structure "so low we cannot accept it and continue to make the kind of pictures we want to create. The monopoly intends to pay us less and charge the American public as much as ever." Unless Fox West Coast relented, UA would prefer to show its movies in tents, armories, and halls. Clarke didn't budge, and in his public statement on the matter, he referred to the UA luminaries as "old-time actors" with an inflated sense of their value to the moviegoing public.

While he enjoyed honeymoon treatment in the press, as early as the

fall of 1930, Clarke was in hot water with his bankers. The only successful piece of the Fox companies' three-part refinancing was Halsey, Stuart's \$55 million issue of Fox Film notes. Secured by the Loew's shares and by Fox Film's percent interest in the British Gaumont theater chain, they sold out.

In sharp contrast, the GTE securities offerings drew almost no response. Investors bought less than \$2 million of the \$30 million in GTE bonds that went on sale on April 23, 1930, and they also failed to buy much of the May 1930 offering of 433,000 new shares of GTE stock, for which the bankers had paid GTE \$18 million. In October 1930, after five months of dismal sales, the Chase Bank loaned Clarke \$6 million to organize several trading syndicates to buy and sell both GTE and Fox Film shares in the hope of propping up their prices and attracting buyers. However, the investing public, so euphorically gullible just two years before, was no longer eager to have all its feathers plucked. GTE was essentially worthless, and Fox Film was overspending and underearning.

During the next six months, despite the attempted stimulus, both GTE and Fox Film stock prices tumbled head over heels. Two of the brokerage firms that participated in the trading syndicates were ruined. Pynchon & Co., formerly one of the nation's largest financial houses, was suspended by the New York Stock Exchange on April 24, 1931, for financial instability arising mainly from its GTE and Fox Film trading activity. As Fox heard the story, on the day of the suspension, firm head George Pynchon pulled a \$5 bill and two singles from his pocket and told a colleague, "This is all I have got left in the world." Four days later, West & Co., \$5 million in debt, filed for bankruptcy. As the ultimate underwriter of the new GTE shares, the Chase Bank got stuck with most of them and would never be repaid the \$6 million it loaned to fund the stock market manipulations.

As if all that weren't trouble enough, Clarke alienated his previous supporters Harry Stuart and John Otterson. Stuart had wanted his firm, Halsey, Stuart, to handle most of the refinancing, but the Chase Bank, which had loaned Clarke the \$15 million to buy Fox's voting shares, had insisted on control. In a meeting at

Clarke's office on April 8, 1930, Stuart complained, "I have been put out on the end of a springboard and told to jump off."

A few months later, Stuart had completely reversed his position. He wanted out. Watching the Fox companies beginning to crumble, he feared there would be no money to repay the \$55 million in Fox Film notes that his firm had underwritten. What would happen to Halsey, Stuart's reputation? According to Fox, Stuart went "on a rampage to discover whether the leopard had changed its spots" and sent spies into the Fox companies. After learning about the waste and graft that was shoveling money out of Fox Film and Fox Theatres and into GTE, Stuart told Chase Bank officials that his firm would not renew the \$55 million in notes if Clarke remained in power. Stuart wanted ERPI's John Otterson installed as president of the Fox companies.

Otterson also felt betrayed by Clarke, who had dropped his friendly demeanor as soon as he had what he wanted. Otterson had expected Clarke to sign a new sound recording contract for Fox Film immediately after taking office. For six months Clarke stalled and pettifogged. When the two finally met on October 9, 1930, Otterson insisted that Clarke had a moral obligation to keep his word. No, Clarke replied, he would sign the new contract only if ERPI could prove he was legally obligated to do so.

Doubtful that Clarke would do even that, Otterson tried a different tactic. He now demanded "proper collateral" for the \$5 million that ERPI had loaned Clarke to help him buy Fox's voting stock and for ERPI's endorsement of two bank notes totaling \$3.875 million. Proper collateral? Clarke didn't have any of that. On November 14, 1930, he grudgingly signed the contract that Otterson wanted.

Then he retaliated. Within weeks, Clarke's National Theater Supply began competing directly with ERPI by selling sound equipment and replacement parts to the motion picture industry.

Stuart and Otterson had managed to oust Fox only to end up with an even more obstreperous colleague—one who, unfortunately, lacked any of Fox's film production genius.

Rather than fret over his troubles, Clarke lied. Did the truth really matter as long as a great many people could be persuaded to believe something else? Could not the something else, by standing in for reality, become reality? It must have seemed worth a try.

Above all, Clarke had to make himself look better than Fox. He first set about making Fox look worse. In late June 1930, he issued 1929 annual report for Fox Film downgrading earnings performance. Less than two months earlier—when the company was marketing \$55 million in gold notes through Halsey, Stuart—ads stated that 1929 pretax net profits had been \$13.97 million, higher even than Fox had estimated. Now that the gold notes were all sold, Clarke lowered the figure to \$10.74 million. Then, on August 26, 1930, Clarke sent a letter to Fox Film stockholders with a balance sheet full of cheery news about the first six months of the year: net profits totaled \$7.175 million, compared to \$7.054 million for the last half of 1929; current assets were up by more than 30 percent, from \$23.4 million to \$30.4 million; and cash on hand had increased from \$2.5 million to nearly \$7 million. Everything was improving, Clarke wrote, expenses were dropping and income continuing to climb. Word circulated that Fox Film's annual dividends might increase from \$4 to \$5.

The numbers were phony. They drew the attention of John W. Pope, a young, highly regarded New York statistician who had started two investment companies that actually increased their asset value during 1930 to more than \$4 million. Scrutinizing Clarke's report, Pope saw that accountants had taken regular operating expenses and classified them as extraordinary expenses so they could be deducted from the company's cash reserves rather than counted against earnings. Pope believed that Fox Film's earnings should have been expressed in cents, not dollars. He wired all his associates and clients nationwide, advising them to sell their Fox Film stock. Unsurprisingly, Clarke had him brought up on charges before the New York Stock Exchange governing committee. Pope was completely exonerated.

When it came time to add up the figures for all of 1930, Clarke took further liberties with Fox Film's books. Focusing now on aftertax profits, he reported \$10.25 million for 1930, compared to \$9.47 million for 1929. Fox was certain that Clarke had shifted income forward from 1929 and suspected—because his own regime had contributed \$4.7 million in profits during 1930's first quarter—that Clarke had made very little money, if any at all, during the other nine months. Federal income tax figures supported this fear. For 1930, Fox Film allocated only \$248,254 for federal taxes, while in 1929, on supposedly lower income, the company had paid \$1.266 million. (Clarke's explanation, unconvincing to Fox, was that the company had been able to deduct large legal and financing expenses.)

Further undermining its credibility, the 1930 annual report contained sloppy errors and inconsistencies. A historical chart of the studio's costs and income began with 1914, even though Fox Film wasn't formed until February 1, 1915. Clarke boasted that a new budgetary system had been put in place, "with the hearty cooperation and support" of all concerned, to save more than \$3 million a year, yet operating expenses increased by 27.7 percent during 1930. Clarke hemmed that the savings were too recent to show yet, but he didn't explain why costs had gone up rather than just stayed the same.

At Fox Theatres, Clarke took even bolder action, crossing out the Fox regime's stated profit of \$2.66 million for 1929 and rewriting the figure in red ink as a loss of \$3.25 million. Then, for 1930, he reported a loss for Fox Theatres of \$2.48 million, a result that would have appeared highly alarming in comparison with the original 1929 figure but that now seemed like progress.

Clarke also failed to account for \$10 million of a \$12 million decline in Fox Theatres' net worth. In October 1929, auditors certified that Fox Theatres had a net worth of \$63.65 million. By October 1930, according to Clarke, that figure had declined to \$51.378 million. However, Clarke admitted to an operating deficit during the year of only \$2 million. Where did the other \$10 million go? After careful study, Fox commented, "It perhaps can be located with a magnifying glass, but not with the naked eye."

As later events would confirm, the Fox companies were sinking

fast under Clarke's leadership. Overall, the motion picture industry suffered no such catastrophe. During 1930, box-office receipts declined by only 15.4 percent, falling to \$1.1 billion from 1929's all-time high of \$1.3 billion.

Publicly, the Chase Bank continued to support Clarke. Privately, bank officials canceled most of his power. By February 1931, Fox Film and Fox Theatres were being actively managed by Chase Securities vice president Murray W. Dodge in consultation with Chase Bank president Winthrop W. Aldrich and several other Chase executives. They didn't know anything about the motion picture industry, and they knew they didn't know, but no one could see a better alternative. Certainly Harry Stuart's idea that John Otterson should become president of the Fox companies was unacceptable. Dodge trusted neither one of them and saw in their continuing alliance a familiar mutinous pattern. In a "Strictly Confidential" memo of February 7, 1931, to Chase chairman Albert Wiggin, Dodge wrote that Stuart was "evidently bent on getting control of the management of the company through John Otterson, and will use the same methods that the two of them used against Fox to obtain their ends."

Little had changed. Just as the high-finance cronies had been willing to tear Fox apart for their own ends, so they were now willing to tear one another apart.

By the summer of 1931, Fox Film was in calamitous condition, and Clarke no longer had any means of disguising the facts. During the first six months of the year, Fox Film earned net profits of only \$120,152, compared to nearly \$6.8 million alleged for the same period in 1930.

Still, the Chase Bank did not officially remove Clarke as president of the Fox companies. He was the devil they knew, and so, rather than capitulate to Harry Stuart's ultimatum demanding the installation of John Otterson, they showed Halsey, Stuart the door when the \$55 million in Fox Film notes came due on April 15, 1931. Through a patchwork quilt of financing stratagems, Chase

Securities raised all the money to pay off the note obligations. Now solely responsible for the Fox companies' finances, Chase officials forced Clarke to enter a voting trust agreement with Chase chairman Wiggin and Frank O. Watts, the chairman of the board of the First National Bank of St. Louis.

The top priority was to save GTE because of Chase's heavy investment in its stocks and bonds. In June 1931, Clarke announced that Fox Film would pay a second-quarter dividend of 62.5 cents rather than the \$1 quarterly dividend the company had always paid before. Rightly, given its blighted finances, Fox Film had no business paying any dividend at all. It was highly irregular for a corporation to pay dividends when it had such negligible earnings and massive current debt. Yet, as Fox Film's largest shareholder, GTE desperately needed money. It had survived the first half of 1931 only by receiving nearly \$2.2 million in Fox Film dividends. Otherwise, after paying its bills, GTE would have lost more than \$1.3 million. More bills were coming due in the second half of the year.

Meanwhile, aboard the sinking ship of Fox Theatres, the rats were running away with everything they could pry loose. Despite the company's admitted \$2.48 million loss in 1930 and the unexplained disappearance of \$10 million in asset value, spending continued at a breakneck pace. Executive vice president Oldknow told theater managers, "Penny wise and pound foolish methods of economizing are apt to turn a theater into a funeral parlor." Among the ranks, no one was fooled. Discontent reached such a high pitch that in May 1931, The Last Word, Fox Theatres' publication for theater managers, carried an article demanding, "No More Politics!" and instructing every employee "right down to the porters!" to stop plotting and spreading "malicious" rumors about top management. The article warned, "Let's hope that action isn't necessary. There are enough unfortunates selling apples. Their ranks don't need to be increased." According to Oldknow, it was the ticket takers' and ushers' and janitors' responsibility to drum up business. He therefore implemented a "personal contact" program at the West Coast Circuit whereby every theater employee was assigned to

recruit twenty people in the local area as regular customers.

Observing such lunacy, and convinced that the current management consisted only of "wholly inexperienced, incompetent people in charge of performing duties that they never understood and never could understand," Fox gave up on Clarke. "I decided to go beyond him. Who are the people who are supplying the money to Harley Clarke? Who are the people whose money is being lost daily by ignorant, idiotic management? I will advise them. They ought to know it." He wrote to both Chase Bank chairman Wiggin and Chase Bank president Winthrop Aldrich and attached copies of all his letters to Clarke. "Of no avail. Wholly disregarded."

At the Fox Film annual stockholders meeting on June 10, 1931, the Chase Bank, through its control of Fox Film stock, fired Fox from the board of directors.

A short time later, Fox was fired from the advisory board, too. He found out only when payments stopped on his \$500,000 annual salary. The official reason was that he wasn't doing any work and wasn't fulfilling his role as advisory board chairman.

Right away the "William Fox Presents" credit that previously had opened every Fox Film movie shrank to a "whisper-like" type size that, according to *Motion Picture Daily*, "only a very good optic could decipher." On July 8, 1931, the studio announced that it was dropping the line of text entirely. Advertising and publicity director Glendon Allvine was ordered to eliminate Fox's name from all copy.

Harley Clarke didn't last much longer. In August 1931, Chase Bank president Winthrop Aldrich decided that GTE was a lost cause and would have to enter receivership. It was no longer possible to believe in Clarke's continuing promises about an impending miraculous recovery for Fox Film. The studio was exhausted, directionless, and nearly broke. Aldrich knew there wasn't going to be any money to pay a third-quarter dividend, and indeed, for the first time in Fox Film's history, there wasn't. The absence of that income from its 1.2 million Fox Film shares meant that GTE could

not meet its interest obligations on its \$30 million in bonds, most of which had ended up at the Chase Bank because the public didn't want them.

On November 17, 1931, after only nineteen months of his tenure, the Chase Bank fired Harley Clarke as president of Fox Film and Fox Theatres and kicked him upstairs to become chairman of the board of directors.

Fox commented, "I left them the goose that laid the golden eggs. It couldn't lay eggs fast enough for Harley Clarke. No goose could. Poor goose."

Clarke's replacement was another motion picture industry knownothing, fifty-three-year-old Edward R. Tinker, the president of the Interstate Equities, an investment trust that had participated in the Fox companies' refinancing. A career banker who served on the boards of about thirty-five corporations, Tinker hadn't wanted the job. He'd been pushed into it as a compromise candidate, the only one acceptable to all parties with a voice in the matter.

At first Fox was hopeful. Tinker had a reputation for precision and, during two long conferences with Fox, he seemed "very friendly." Fox offered to come back, not as a company officer or director—those days were gone—but as an outside consultant. If he succeeded in saving Fox Film and Fox Theatres, and thereby the Chase Bank's \$103 million, he wanted \$25 million. "And if I didn't, I wanted nothing." It wasn't too late, Fox urged. "I frankly told Tinker I knew I was the only doctor in America that could cure the ills of those companies."

Fox made the proposal over his wife's impassioned objections. Eva had seen the anguish he had endured over the past two years, had seen his physical, emotional, and psychological deterioration. The Fox stockholders were no longer the widows and shopgirls and file clerks and bricklayers of years past, she told him. Those people had all been wiped out. The stockholders were now the bankers who had taken—stolen—his companies and driven them into the ground. He ought not to lift a finger to help the Chase Bank and its

"gang of raiders."

Maybe so, but Fox could not desert his companies. He told Tinker, "I would like to do this job, complete it successfully, and then write the closing chapter of my story."

Tinker turned Fox down and soon plunged Fox Film into even greater disaster. It seemed to Tinker a perfectly sensible idea to apply to the film business the same principles that governed industries such as railroads and banks. Accordingly, one of his first actions was to send a hatchet man to Los Angeles to review all employee contracts and cut overhead. As the studio's new business manager, Donald E. McIntyre—again someone with no experience in motion pictures; he was a former Insull engineer—targeted seven high-level employment contracts that had never been approved by Fox Film's finance committee. Chief among them were the contracts of Winnie Sheehan and Sol Wurtzel. Sheehan was especially vulnerable. Although he had taken a 25 percent pay cut in mid-1931 that reportedly brought him down to \$4,500 a week, he was still Fox Film's highest-paid executive. Rumors swirled that he would be replaced as head of production by Richard A. Rowland, a recently hired Fox Film vice president whose salary was less than half of Sheehan's.

These developments so rattled Sheehan that he either had a nervous breakdown or convincingly simulated one. In December 1931, around the time McIntyre arrived in Los Angeles, Sheehan left his Beverly Hills mansion and went first to "rest" somewhere in the Pasadena area and then to a hotel in San Francisco. Previously no one had noticed any illness in him, except for a bad cold from which he appeared to have recovered. Although he was supposed to return to work in early January 1932, he instead took three months' leave at half pay. According to one reporter, "Sheehan sits punchdrunk in a San Francisco hotel suite, with a Catholic priest as his counselor and companion."

Sol Wurtzel remained at his desk, but by late December 1931 he had been stripped of almost all his production responsibilities. In early 1932, Tinker summoned Wurtzel to New York and, according to Fox, bought out the remainder of his contract for \$175,000. To

replace Sheehan and Wurtzel, Tinker appointed Al Rockett, a former Universal and First National producer who had been working at Fox Film as an associate producer. Toward further corporate efficiency, Tinker decreed that henceforth the studio was going to make movies by committee. Three interlocking groups, comprised of heads of various studio departments, would meet weekly to discuss stories, actors, and ideas. Then a "management board" would rule on their recommendations.

Of course, the plan failed. As Sam Goldwyn observed, "A board of directors cannot make motion pictures because a board of directors is like any other board—long, thick, and wooden."

On February 29, 1932, General Theatres Equipment Inc., which owned the controlling shares of Fox Film and Fox Theatres, went into receivership. With \$22.3 million in notes coming due on March 15 and facing an April 1 interest payment on its \$30 million debenture issue, GTE couldn't pay. It had only \$2,574 in cash.

When Fox Film's 1931 annual report appeared in March 1932, the numbers were heart-stopping. The year hadn't been good for anyone, with U.S. box-office receipts dropping to about \$900 million from \$1.1 billion in 1930, but the whole industry was stupefied by Fox Film's bloodbath of red ink. The studio had lost \$4.3 million, compared to the alleged \$10.25 million earned in 1930. (The 1931 balance sheet would later be revised to show a \$5.56 million loss.) Film rental fees from exhibitors had fallen by \$3.8 million, despite Clarke's repeated assurances that the studio had record-high bookings. The company's surplus account declined from \$9.61 million at the beginning of the year to only \$1.95 million. The studio was nearly ruined. Fox Theatres was, effectively, already ruined. The annual report showed that Fox Film had written its investment in Fox Theatres down to \$1, indicating that the Chase Bank was about to let Fox Theatres go into receivership.

Fox was dumbfounded. "It gives you the chills, doesn't it? I shudder when I read these figures. What *have* these men done with these enterprises?"

Unbelievably, the situation got worse. For the thirteen weeks ending March 26, 1932, Fox Film showed a net loss of \$1.9 million. During the same period of the previous year, the company earned a profit of \$975,000.

Altogether, in less than two years, the \$103 million that the bankers had thrown into the Fox companies was gone, with nothing to show for it. This had been Wall Street's idea of a good investment, preferable to providing \$60–\$70 million worth of financing for Fox himself.

"I don't understand it. I don't understand what these people have done," Fox said. "If the Chase Bank had gone to a wrecking company and said, 'How much will you charge and how long do you think it will take to wreck and ruin these institutions?' their price would have been by far more moderate . . . but the time would have taken much longer. No wrecking company would have deliberately wrecked these companies in the period of time that these bankers wrecked these companies."

Upton Sinclair Presents William Fox

All is lost save memory . . . I can only cry out that I have lost my splendid mirage. Come back, come back, O glittering and white!

-F. SCOTT FITZGERALD, "MY LOST CITY," 1932

With empty hours on his hands, Fox worked on his investments, played golf, and spent time with his family. It was an awkward adjustment. *Fortune* magazine commented, "When you see him playing golf, about his only social habit, you get an impression that he is very lonely and sad. And then you feel rather sorry for him."

He tried to stay useful through charitable activity. One Sunday afternoon in late January 1931, walking along Central Avenue near Fox Hall in Woodmere, Long Island, Fox happened in on a storefront meeting of about one hundred people. When Rev. Allen Evans, rector of the Trinity Church in nearby Hewlett, told the group that his soup kitchen was about to close for want of money, Fox was the first to speak up—promising to send a check the next morning for \$25,000, twice as much as Evans had hoped to raise from the whole gathering and enough to feed six hundred people for the next ten weeks. Fox then pledged another \$3,000 to cover administrative expenses of the Community Chest fund-raising drive

the following March. Evans was stunned. He called Fox's gift "one of the most storming events of my life and everyone present was deeply affected by his great generosity." During the campaign, Fox sent another large sum. He and Eva also gave a large custom-made organ to Temple Israel in the town of Lawrence, and in June 1931 he volunteered as an honorary local chairman of a Boy Scouts fundraising campaign.

It wasn't enough to distract him from haunting questions. "I have had two years to try to analyze this thing and if I was wrong, I want to recognize it," he said in mid-1932. "[W]hat is the thing that made Fox incompetent, why was this great, gorgeous tree chopped down just when it was blooming its most beautiful flowers, where did it come from?"

To ease his mind, Eva suggested he write a book about the experience, with Upton Sinclair. The idea wasn't so far-fetched. The staunchly left-wing, puritanical teetotaler Sinclair was nevertheless "a very likeable man" with a good sense of humor, according to screenwriter Salka Viertel. Sinclair was also a longtime close friend of Fox's firebrand lawyer Samuel Untermyer, and his 1908 novel *The Moneychangers* had dealt with Fox's current obsessive theme, Wall Street corruption. For his part, Fox had never completely left behind his teenage enthusiasm for socialism. He had, he believed, tried to be a compassionate capitalist and to improve others' lives through his leadership.

Contacted first by one of Eva's brothers and then by Fox's secretary, Sinclair was doubtful. Nonetheless, in March 1932 he invited Fox to his modest house at 1513 Sunset Avenue in Pasadena to discuss the idea. Fox was then in Santa Barbara with his family for an extended stay at Cottage Hospital's Sansum Clinic, which, in addition to doing business as a celebrity fat farm for clients such as Mae West, specialized in treating diabetes, a condition that had troubled Fox in recent years. Santa Barbara was a manageable distance from Pasadena. One morning, a chauffeur-driven limousine delivered Fox and his family lawyer, Benjamin Reass, to Sinclair's doorstep.

No, Sinclair decided after hearing Fox out, he couldn't do it. He

was working on a novel and didn't want to set it aside. Sinclair's wife, Mary, intervened. Fox had offered \$25,000 (equivalent to about \$448,000 in 2017), and the couple badly needed the money. Two months earlier, having mortgaged their home to help finance Sergei Eisenstein's on-location movie about Mexican culture, *Que Viva Mexico!*, they had ordered the director to shut down filming because they were convinced he was lollygagging to avoid returning to Russia. Since then, the Sinclairs had been entangled with Eisenstein in a tug-of-war over the rights to the existing footage. By the time Fox showed up, they had little hope of seeing a return on their investment soon—if ever. Taking her husband aside, Mary reminded him of all the bother he usually went through to set up a book, yet here was a multimillionaire with "a story already made." She told Fox, "Upton will write your book for you."

Their sessions spanned about six weeks during the spring of 1932. Three times a week, Fox, dressed in a light-blue or brown jacket, white sweater, and white or striped flannel trousers, arrived by limousine from Santa Barbara at around 10:00 a.m. For three or four hours at a time, they sequestered themselves in Sinclair's study. Fox sat in a walnut rocking chair drinking lemonade or orange juice or water and smoking a cigar, while Sinclair occupied another rocker about ten feet away. Nearby was Reass, whom Sinclair described as "a funny little old gentleman" who behaved "just like an errand boy."

They were really more like a therapist and a patient than an interviewer and a subject. While Sinclair provided prompts and studied his subject's responses, Fox talked and talked and talked. He talked so much and so quickly that Sinclair had to hire two stenographers to work on alternate days to keep up with the transcription.

Sometimes Fox got up and paced the room so forcefully that Sinclair had to rearrange the furniture to make sure he wouldn't knock anything over. Fox clenched his hands. His voice trembled. When Reass tried to interrupt, Fox steamrolled over him.

Out poured a storm of tormented emotions, conflicting thoughts, and, often, words that didn't make sense except for the strength of feeling behind them.

Fox was, Sinclair thought, a haunted, brooding, "tired and stricken man."

Over and over, Fox hammered away at the same theme, smashing it into pieces and trying to put them back together. He never could make them fit precisely, partly because some pieces—facts—were missing, and partly because his rage made it impossible to see clearly. He knew this for certain, though: he had been targeted by a tremendous financial conspiracy. He had been hunted, persecuted, caught in a "spider's web."

He could never decide who exactly had headed the conspiracy. Sometimes he blamed AT&T for wanting his Tri-Ergon sound-on-film patents to monopolize the motion picture industry. When he followed that line of thought, he didn't know where to stop, depicting the phone company as a diabolical organization intent on brainwashing the American public. Noting that AT&T had started to manufacture educational movies, he speculated that children might "be taught to salute a telephone pole or a telephone receiver when they saw one. Or, maybe (and who can tell) due to intensive training, the children would automatically salute the ringing of a telephone bell." Fox seemed to be serious rather than joking. In other moods, he blamed the banking industry, especially the Chase Bank, for trying to steal the Fox companies' wealth by organizing an unscrupulous financial industry blockade against him.

He sounded paranoid, except there was so much he didn't know, and experience had shown him that it wasn't safe not to suspect the worst about others' motives and methods. He had lost his empire that way. He had trusted the wrong people. If only he had been paranoid before. Pressed by Sinclair to peer into dark corners—areas where he had to admit, "I have no way of knowing" and "I do not know" and "I don't know"—he could only project his wounded, bleeding emotions.

He lashed out not only at his main adversaries and their "shyster lawyers," but also at anyone who had stood on the sidelines and refused to help. Adolph Zukor "was part and party to the destruction of my companies" because he wanted Paramount to regain its position as the world's largest movie studio, Fox claimed. He had no evidence. The Chase Bank's stockholders should have taken legal action to restrain Wiggin and his gang from going after the Fox companies because no provision in the bank's charter permitted such activity. "These stockholders knew of it. Many of them knew of it."

He now thought that Winfield Sheehan might well have played an active part in arranging the 1912 murder of gambler Herman Rosenthal, although previously he always refused to consider the allegation. He called Reginald McKenna, head of the London Midland Bank, which had compounded Fox's crisis by calling his loans on the Gaumont stock purchase, a "pig" and "a sow." He mocked Charles Evans Hughes, who in late 1929 had made those empty promises to carry Fox's burden for him, as "this great Chief Justice of the U.S. Supreme Court." He had so much anger there weren't enough targets to absorb it.

He felt sorry for himself. "I was not quarreling with pikers. These were the giants. Just imagine these tremendous giants all battling with one poor little man!"

He blamed himself. He should have known. He should have made many different decisions.

If only he hadn't bought the Loew's and Gaumont stock. That had been the start of all the trouble.

If only he hadn't trusted "Wild Bill" Donovan, the assistant U.S. attorney general who had told him the government would have no objection to the Loew's and Gaumont acquisitions. Then he wouldn't have made the purchases and incurred the crushing \$93 million debt.

If only he hadn't trusted Harley Clarke. Harry Stuart had told him not to.

If only he hadn't entered the December 1929 voting trust with Harry Stuart and John Otterson.

If only he had allowed himself more than two hours' sleep a

night during those five weeks after the stock market crash.

If only he hadn't agreed to have Charles Evans Hughes's firm represent the voting trust instead of himself individually. He had let go of the best legal mind in the country.

The fact that many of his decisions, especially the Loew's stock purchase, made sense at the time, that most of the country's supposed financial experts hadn't seen the stock market crash coming until it was too late, and that in normal times the consequences of his mistakes would not have been so devastating—none of that mattered. All that mattered was that if he had acted differently, he would not have lost everything.

"You would not think a person could be so stupid," he said. "I don't deserve any sympathy."

He almost wished he had died in the July 1929 car accident, because then he wouldn't have had to endure any of this misery. But that wouldn't have been any good, either, because then the burden of subsequent events would have fallen on someone else, and believing as he did in a spiritual afterlife, "I am sure that I would have received message after message of the terrible mess I had made."

He tried to hold on to some self-respect and a positive place in history. William Fox had been great. That was a point that needed to be understood. He didn't want to come across as "a conceited ass" or "be considered a fool or be disliked for saying it," he told Sinclair, but he really believed that William Fox "was the creator of all things in the moving picture industry." Starting with his fight against censorship in New York City and his heroic one-man challenge to the monopolistic Motion Picture Patents Company, he had loved the industry, "had fought for it and bled for it . . . and all the others had to do was to imitate." That was going to sound egotistical, he knew it. Still, he—the self-created William Fox persona—"really believes he was the leader of the moving picture industry and with the removal of him, the whole structure crumbled."

He loved the movies so much he couldn't see how they could survive without him.

He wanted to come back. No, he didn't. It would be torture.

The more he talked, the more he submerged himself in grief. People who thought he was lucky or smart to have gotten out with \$18 million didn't understand. Fox Film and Fox Theatres were "the children of my brain" and there was no adequate compensation for their loss, "no sum of money that they could have given me that would again make my mind contented or bring me the happiness that I was enjoying during the many years that I was creating and constructing these two organizations." He hadn't expected to stay forever, just to the point where he felt that his job was done and that the time had come to let someone else carry on. He had never reached that point.

Why had it happened? He could still visualize the room at the Ambassador Hotel where, two years before, he had made the deal to sell his voting shares to Harley Clarke. "The doorway was about here. The window there. The desk there." Maybe if he returned there in memory he could see more clearly. He couldn't accept that human relations had to be reduced to such squalid terms as had occurred in that room. "There must be something more in common with men than the dirty dollar. I can't believe that that is all there is in this world and that men have no moral obligation to each other."

Once he broke down completely. He was telling Sinclair about how, after spending two months after the market crash in Manhattan hiding his business troubles from Eva, he had returned to Fox Hall for their thirtieth wedding anniversary on December 31, 1929, and, not realizing how ill she was, had argued with her, and peevishly returned to Manhattan the next day. At the memory of her worndown appearance and his obliviousness to her suffering, he began sobbing. According to Sinclair, he "had to walk up and down for a

In the end, Fox was just as confused as when he began talking to Sinclair. He came to understand only that he had lost his shining city on a hill. He wanted little more than not to have to keep remembering. As he told Sinclair in a concluding session, "I have been a very unhappy man for two years. I probably am going to continue to be unhappy on this subject for the rest of my natural life. But I believe part of the pangs of the pain is going to be removed when I have made a record of my experiences. I would relieve myself of the things that annoy and torture me . . . I want to try to forget this thing."

By mid-May 1932, Fox was on the train back to Fox Hall with Eva, Mona, and Belle. He was exhausted. As he later wrote to Sinclair, "the thirty days I spent with you, while I enjoyed it thoroughly, was [*sic*] amongst the thirty hardest days of my career."

No respite awaited in New York. To drum up some advance interest in the book, Sinclair had written to Sen. James Couzens (R-MI), a member of the Senate Banking and Currency Committee, which had recently started examining stock market practices, with an emphasis on short selling. Although Fox had sneered at the investigation, calling it "the most amusing and laughable thing that I have ever read about . . . It's looking [into] the stable after the horse has run away," he agreed to let Sinclair offer him as a witness on the subject of short selling.

He even looked forward to meetings set for early June 1932 in New York with the Senate committee's associate counsel, William A. Gray. A Philadelphia criminal defense lawyer whose clients included gangsters, prostitutes, brothel owners, bootleggers, and crooked politicians, Gray had been chosen for the Senate committee job because of his reputation for "bullyragging" witnesses—browbeating and bulldozing them. Nonetheless, Fox expected to be treated as a friendly informant. He was "delighted," he told Gray, to have a chance to tell his story to the American public. He soon

changed his mind. Evidently out to snare a trophy villain, Gray ambushed Fox with "heaps and heaps of questions" that went far beyond the agreed-upon scope, hostile questions about Fox's stock market trading and his income tax returns.

Fox turned truculent, often refusing to answer. Still, although the subpoena issued by Gray had just expired, Fox went to Washington intending to testify before the Senate committee on June 16, 1932. He wanted to tell his story. En route by car the night before, he either had second thoughts or became physically ill—or had second thoughts that made him physically ill. After checking into the Mayflower Hotel at about 3:00 a.m., he didn't leave for five days, alleging dizziness and abdominal pain. Gray accused him of faking, but Fox sent over the hotel doctor, who told the senators that the mental and emotional strain of testifying would aggravate Fox's diabetes severely.

Indeed, Fox would have been in for it. Gray tore him apart in absentia, and the senators themselves seemed hostile, questioning Fox's legitimacy as an American. Sen. Frederic C. Walcott (R-CT) asked, "What is his origin? Where does he come from? What is his nationality?" A moment later, Sen. James J. Couzens (R-MI), Sinclair's supposed friendly liaison, chimed in, "Is that the first name he has had?"

After several days, they all ran out of steam on the subject of William Fox and proceeded to other targets. On June 20, 1932, Fox quietly checked out of his hotel and went home.

No sooner had that storm abated than a squall of lawsuits pummeled him. Foremost were those of the Fox companies themselves, these "children of my brain." On June 21, 1932, Fox Theatres sued Fox for \$5 million, and nine days later, Fox Film sued him for \$10–\$15 million. Both companies blamed their downfall on Fox's mismanagement and malfeasance, sidestepping two notable facts: the companies had been at the height of their prosperity when Fox relinquished them in April 1930, and subsequently, Harley Clarke and the Chase Bank had battered them with more than two years of birdbrained decisions. However, the Fox companies were desperate. Two days after suing Fox, Fox Theatres went into

receivership, with debts of \$6 million and current assets of only about \$200,000. Fox Film was nearly comatose from lack of cash, unable to attract or keep talent except for a precious few loyalists and unable to figure out how to produce movies that made a profit.

The lawsuits were, Fox believed, "blackjack suits," a street thug's whack across the back of the neck while hands reached for his wallet.

A month later, a major creditor pounded on his door. On July 30, 1932, the Chicago Title and Trust, which had filed the receivership petition against Fox Theatres several weeks before, sued Fox for \$1 million in connection with the Roxy Theatre in New York. When Fox bought the Roxy Theatre in March 1927 from Herbert Lubin, he gave a \$1 million personal guarantee that Fox Theatres would make all the required payments. However, on March 24, 1932, Fox Theatres had defaulted on the final \$410,190 installment payment, after also not meeting the previous two obligations. The Chicago Title and Trust had acquired the Roxy payment rights from the ex-wife and the business associate to whom Lubin had assigned them.

Fox refused to pay. He had several good reasons, he thought. First, the April 1930 voting shares sale explicitly indemnified him from all liability in connection with any lawsuit arising from the Fox companies' subsequent conduct. Second, he believed that the Roxy had been deliberately mismanaged in order to force foreclosure (wiping out all the Roxy stockholders) so the theater could be sold cheaply to either the Fox company or a dummy fronting for it. He also suspected that Fox Theatres and Chase Bank officers had deliberately not made the last three payments because they knew he would be held liable.

Even a member of his family took legal action against him. On June 30, 1932, the same day that Fox Film sued him, sister-in-law Alice Fox filed a lawsuit asking for \$250,000 to support her and her two children by Fox's black sheep younger brother, Aaron. After Fox's dethronement, Aaron had lost his \$250-a-week job at Fox Film, and another job that Fox got him lasted only three months. Aaron fell into stock market debt and, according to Alice, conducted

a "barrage of shocking and repulsive intimacies with women of the gutter" and repeatedly threatened to kill her. After their separation in 1931, she claimed, she and the children had received "not one solitary cent of support" from Aaron and were now destitute.

Alice's case against Fox was based on the fact that since January 7, 1932, Aaron had been ensconced in the Hartford Retreat in Hartford, Connecticut, a mental institution that was really more like a country club, with its uniformed doorman, expensive furnishings, and history of sheltering wealthy miscreants. Alice claimed that Fox, who was paying the bill, had stashed Aaron there both because he was jealous that Aaron had recently formed the Aaron Fox Film Corporation and also to prevent Aaron from testifying in the Senate investigation of the stock market crash. On the grounds that he had removed Aaron as a source of support for his family, Alice demanded that Fox assume financial responsibility.

Although her lawsuit vilified him as "unprincipled" and "despotic," Fox helped Alice. He gave her \$1,480 in September 1932 and, starting the following month, paid \$60 a week to fulfill Aaron's court-ordered alimony obligation. In November 1932, Alice withdrew her lawsuit.

Under all the pressure, Fox's personality splintered. He became meaner to strangers. Deranged by grief, he tried literally to make his July 17, 1929, car accident, which he viewed as the first pivotal event leading to his downfall, pay for what it had done to him. At the time, he hadn't wanted any restitution from Dorothy Kane, the driver of the Chrysler that had T-boned his chauffeur-driven Rolls-Royce, lobbing it into the air and smashing it down on its side in a ditch. He had considered the collision entirely an accident. As of June 1932, however, he was suing Dorothy and Muriel Kane for \$206,000, alleging negligence.

He also became kinder to strangers. One evening shortly after returning from California, out to dinner at the top-line twothousand-seat Pavillon Royal restaurant in Valley Stream, Long Island, Fox was nearby when a boy suffered a heart attack. Future TV variety show host Ed Sullivan, then a newspaper columnist, saw Fox "frantically applying emergency measures of aid" and later learned that he visited the boy in the hospital every day and was at his side when he died. "I was never so impressed as I was by William Fox's tenderness that night," Sullivan wrote. "I've heard a lot of stories about Bill Fox, but he evened everything that night."

Meanwhile, Upton Sinclair labored to finish their book. Fox's spoken narrative had been frequently disjointed and confusing: he had jumped around in time, mixed up key dates, forgotten names, presented seemingly contradictory financial figures, and failed to produce important corroborating documents. Yet, Sinclair was determined to do a respectable job, not only for the sake of his literary reputation, but also because he had so far received only \$10,000 of his fee, with the remaining \$15,000 due upon completion of the manuscript. According to their agreement, Fox had complete copy approval. If he didn't like the work, he wouldn't have to pay.

At first their long-distance relationship was cordial. On May 27, 1932, just weeks after Fox's departure, Sinclair sent two copies of the first quarter of his manuscript to Fox Hall. He'd been working on it night and day, he said, and wanted to make sure he was on the right track. Fox replied, "Mrs. Fox and I would rather reserve our opinion of it until after you have completed the entire manuscript." After protesting weakly that without feedback he hesitated to continue, Sinclair had little choice but to accede. It was nearly the bottom of the Depression. Money was scarcer than ever.

Throughout June and July 1932, Sinclair bombarded Fox with letters, writing almost daily for clarification, more information, or further comments. At times, Sinclair seemed on the verge of panic, as if he feared that Fox was deranged and had badly distorted the truth. Fox responded with clarity and precision—one of his letters ran twenty-five pages long—and calmed Sinclair down with logical explanations.

On July 18, 1932, Sinclair sent the complete manuscript to Fox.

A noticeable chill set in. On August 6, 1932, Sinclair wrote to Fox, "I am troubled at not hearing from you." Two days later, he sent a telegram: "Are you ill?" More than a week later, Fox advised Sinclair that he and Eva had been revising the manuscript, making "corrections" and suggestions to "materially reduce the number of pages you now have."

By now, Fox had lost interest in the book. Telling his story hadn't unburdened him. It had only crystallized his feelings, and the hostility he had encountered from the Senate banking committee indicated that the public might not easily empathize with a disgruntled multimillionaire. The publishing world's response deepened Fox's disenchantment. He had expected clamorous enthusiasm, the sort he was used to receiving in the movie business. Yet Sinclair, who was responsible for finding a publisher, dredged up only scant interest. Who wanted to burden the market with a sob story about someone who had received \$18 million for control of his companies? Furthermore, Fox didn't have much of a public profile. He had always held himself aloof, refusing to give interviews or pose for photos, and parsimoniously meting out only small, rehashed morsels of personal information. His claim to public attention had rested exclusively on cultural power, and he had lost that power.

Heroically, Sinclair extracted an offer from *Liberty Magazine*, the second-largest circulation magazine in the United States, to print several early chapters highlighting Fox's colorful, humble beginnings. Of course the editor didn't want the later sections about the alleged financial conspiracy—for heaven's sake, AT&T was one of their principal advertisers. Sinclair urged Fox to accept so they could use the exposure to attract a book publisher.

"I see no value in this," Fox retorted. He was sending the manuscript to the *Saturday Evening Post*, the largest-circulation magazine in the United States, and he wanted the financial conspiracy chapters published. Sinclair knew that was a hopeless cause because surely the *Saturday Evening Post* ran just as many AT&T ads as *Liberty*. Fox tried anyway and was quickly rejected.

Although book publishers didn't depend on advertising revenue,

they had other concerns that were equally odious to Fox. Publication date, for instance. Fox had forbidden Sinclair to publish the book until after November 15, 1932, one week past the presidential election. He didn't want to hurt Hoover's chances of reelection, and Sinclair's text insinuated that by refusing to help the Fox companies in late 1929 and early 1930, Hoover was just another insincere, glad-handing politician. However, basking in the knowledge that he had had lunch at the White House and that his phone calls had gone straight through to the top, Fox believed Hoover had done "everything possible."

Sinclair tried hard to persuade Fox to publish the book before the election, warning that "your story is getting colder every day." Fox held firm. Renouncing Hoover would have meant abandoning faith in the highest office of the land; it also would have meant that Fox wasn't as special or as brilliant as he'd thought, that he'd been played for a fool.

Liability was another contentious issue. When Sinclair managed to find a publishing company, Farrar & Rinehart, that was willing to wait until mid-November, Fox refused to sign the standard ironclad clause providing indemnification against libel lawsuits. They could just have lawyers review the manuscript and remove the risky parts, he said. Sinclair's heart sank. "Every lawyer will tell you to stay quietly at home, take care of your money, and run no risks of libel suits," he chided Fox, emphasizing that there was really nothing to worry about. "The plain truth is that rich men do not sue for libel. The sums of money which can be got are too small to be worth considering, and the publicity and risk are too great."

Fox didn't say yes and he didn't say no. Farrar & Rinehart kept its offer on the table.

As time passed, Sinclair began to suspect that Fox did not want the work published at all. Although on August 29, 1932, Fox wrote to Sinclair describing it as "a very wonderful book," when the first 121 pages of Fox's revision arrived some two weeks later, Sinclair was appalled. The text had been eviscerated. Gone were all the interesting personal details—among them a description of the New York tenement house that had been Fox's childhood home, a

discussion with Sinclair about religious beliefs, and instances of colorful mispronunciation and tart language. Sinclair saw the amateurish hand of Eva Fox at work.

Without calculating the risk that Eva would see the correspondence, Sinclair immediately wrote a letter to Fox and two days later wrote another one, both imploring Fox to restrain his wife. She was ruining the book, Sinclair complained. She had dressed Fox up in "store clothes," combed his hair neatly, polished off the rough edges of his speech, and altogether had replaced a vivid portrait with a dull, lifeless blur. "Please do not let Mrs. Fox do this to my subject—or to me . . . I also have a wife, so I understand exactly how it happens, and I beg you to use your influence," Sinclair wrote. "Surely you don't want me to turn you into a wax-work figure or a drawing room person. You are what you are and you don't have to be ashamed of it."

If Fox didn't bend, Sinclair hinted, he would walk away. He was not going to sully his literary reputation by publishing "trash."

Fox did not reply.

He was, however, too proud to acknowledge any ill will. Instead, a few weeks later, Eva wrote to say that Fox was ill and unable to continue with the book. Sinclair doubted that. In late October 1932, without comment, Fox sent another check—but for only \$5,000 of the \$15,000 fee balance. It was a clever touch, both a rap on the knuckles and a reward, a gesture that kept the author tied to him.

It worked for some time, and the effect was renewed on December 3, 1932, when Fox sent another \$5,000, but it did not last forever. Around the turn of the year, Sinclair learned through several sources that Fox had shown the manuscript to one of his adversaries—he had been threatening to sue about 113 people, including all the directors of Fox Film, Fox Theatres, GTE, the Chase Bank, and Chase Securities—in an attempt to coerce a financial settlement. Sinclair felt betrayed. When they had first discussed the project, he had emphasized that he "would not under any circumstances waste my time and energy" and that Fox must be "fully determined." Now Fox wouldn't even communicate with him. Since August 29, 1932, he hadn't answered any of Sinclair's many

letters and telegrams.

In mid-January 1933, Sinclair wrote to Fox giving him one last chance to sign the guarantee against liability and save the publishing deal with Farrar & Rinehart.

Eva wrote back, "W.F.'s condition has not improved." She didn't know when he'd be better.

Too ill to sign a piece of paper? Of course he wasn't. It was all over the newspapers that in December 1932, Fox had finally sold his six old four-story buildings on Sixth Avenue to John D. Rockefeller Jr. for his Rockefeller Center project for about \$825,000.

Sinclair rebelled and decided to self-publish the book. "I didn't say a word to Fox. I had a carbon copy of the manuscript, and I just bundled it up and sent it to my printers in Hammond, Indiana, and told them to put that into type and make it into a book." Although Fox had refused to indemnify a publisher, he had in their initial agreement indemnified Sinclair, so the author was the one and only person in the world who could publish the book without liability. Sinclair ordered ten thousand copies, slapped on Fox's choice for a title, *Upton Sinclair Presents William Fox*, and while the book was being bound, mailed ads to the trade and to his list of subscribers.

No sooner had he done so than he began to panic about the consequences of baiting Fox, who even in the soundest frame of mind, as he was not now, was usually suing somebody for something. "He might fly off the handle and raise Cain," Sinclair fretted in a letter to Ernest S. Greene, his former secretary and now his New York sales representative. "Watch the newspapers carefully and see what Fox says. Keep me informed by telegraph."

One day before the book's scheduled publication on February 14, 1933, Sinclair wrote to Fox officially informing him of the event. After a three-month delay beyond their agreed-upon publication date, Sinclair said, "I decided that it was my public duty to publish the book at once."

"And then I got a perfectly frantic telegram from Fox," Sinclair would recall. "He threatened me terrors. I didn't answer. I just went ahead."

Sinclair was actually in a gray area because Fox was entitled to final approval of the manuscript and he had never given it. To reinforce his position, Sinclair rushed to collect endorsements.

"It should go forth by the hundreds of thousands. It tells just what everybody should know, explicitly, convincingly, and so interestingly," gushed Sinclair's friend Lincoln Steffens. "This will look good in an ad," Sinclair commented.

"It's an extraordinarily valuable document, brilliantly handled," added John Dos Passos.

Not all his literary colleagues were so enthusiastic. In a copy that Sinclair may well have sent to him, F. Scott Fitzgerald wrote in pencil on the back flyleaf, "Am somewhat appalled by his hymn to old money-bags."

In fact, the book read like what it was, a halfhearted pen-for-hire effort. Reviews were mixed. *The Nation* called the book "one of the most important and devastating" works of the Depression. *The North American Review* found the story "tremendously exciting." *Life* suggested that Sinclair might get the Nobel Prize. On the other hand, blaming Fox for his own downfall, *The Saturday Review of Literature* dismissed the work as "a demonstration of one-man control gone wild" while H. L. Mencken's *American Mercury* scorned Fox as a vulgar purveyor of junk movies to "the enraptured booboisie" and faulted Sinclair's writing as facile and schematic, with "villains in plug hats and gun-metal mustaches."

Initially, *Upton Sinclair Presents William Fox* sold well in New York and Los Angeles. Sinclair heard a rumor that the book was so popular among Fox Film employees that management posted a notice on the bulletin board that anyone found with a copy would be fired immediately. The rest of the country ignored the book.

At least Fox hadn't made good on any of his threats. In the rather desperate hope that his subject was secretly proud of the work, Sinclair wrote to ask him to pay for full-page ads in newspapers nationwide. Fox could use the last \$5,000 still owed on the fee, Sinclair suggested. He himself didn't have the money. He had published the book on credit from the printer, and sale proceeds would take months to arrive. Sinclair promised to keep

quiet about the source of the advertising money, advising Fox, "You can trust me."

Fox didn't reply. In early March 1933, assuaging his worst fears, Eva sent Sinclair a "very nice" telegram.

Sinclair would later claim that *Upton Sinclair Presents William Fox* caused "a tremendous sensation" and sold fifty thousand copies, but his correspondence at the time presents a different picture. Only five weeks after publication, the book's sales in Los Angeles stores were dead, and in New York, with newspapers ignoring it, prospects looked similarly dismal. Sinclair considered having sales representative Greene buy five or ten shares of Fox Film stock, which were then selling for about 75 cents each, in order to gain the right to ask for a list of stockholders to whom they could send an ad. He soon abandoned that idea. By early May 1933, retailers had started to return hundreds of unsold books.

Although he still wouldn't speak to Sinclair, Fox had always had a soft spot for writers. On April 10, 1933, he sent the last \$5,000 of Sinclair's fee.

During the months of silence when Sinclair feared that Fox was preparing to pounce on him, Fox was in fact absorbed in other matters. Along with his far-flung business interests and various lawsuits, he was busy sorting out his daughters' lives. Belle Fox needed settling back into the family nest. In late August 1931, she had filed for divorce from her husband of five years, Milton J. Schwartz, whom she accused of infidelity with a prominent but unnamed film actress. Fox provided a guesthouse on the Fox Hall estate for Belle and her son, now called William Fox III.

Money could buy respite from marital trouble, but not from random chance. In early October 1932, a speeding taxi darted out from the intersection of Forty-Ninth Street and Queens Boulevard in Queens and smashed into the car in which Mona and Belle were riding. Jolted against the windshield, Mona suffered deep cuts to her lips, nose, and cheeks, and lost consciousness for more than an hour. Plastic surgery repaired what it could, but the diminution of

her good looks—Mona was the prettier Fox daughter—added to the humiliation of her scandalous divorce of three years before. She became distant and sad, relatives said. Tepidly, she tried a career in jewelry design. That led to her second marriage, in April 1933 at the Fox winter home in Miami, to Russian-born New York diamond merchant Joseph Riskin, who, at forty-five, was thirteen years her senior. The relationship soon failed, and Mona secluded herself at Fox Hall.

Some good did come from *Upton Sinclair Presents William Fox*. Fox got another chance to tell his story to the U.S. Senate, this time in a more open-minded atmosphere. The opportunity arose thanks to Sinclair's resourceful self-promotion. After U.S. representative Thomas Brooks Fletcher wrote to him that there was a long waiting list at the Congressional Library for the book, Sinclair took another look at the stacks of unsold books that retailers were returning to him. By early May 1933, he had about two hundred of them. Many were too shopworn to send back out to bookstores, but the thrifty author decided, "[T]hey are all right for gifts." He shipped a copy to each member of the House and Senate.

Fox once again became a topic of interest for the Senate Banking and Currency subcommittee on stock exchange practices as it continued to investigate the stock market crash. Fortunately for Fox, William A. Gray, the hostile bulldog Philadelphia lawyer who had been the subcommittee's first counsel, had been replaced in January 1933 by former New York assistant district attorney Ferdinand Pecora, a scholarly, low-key lawyer who had successfully prosecuted many financial crime cases.

In late November 1933, Fox was subpoenaed to appear before the subcommittee. He had mixed feelings. On the one hand, he knew he would have to open up his wounds again, and he wanted to move on. On the other hand, maybe people were finally willing to hear what he'd been trying to tell them for the past three and a half years. There was a lot more evidence now to support his claims that he'd been targeted by a corrupt conspiracy. Harley L. Clarke

had been kicked out of the Fox companies, and his General Theatres Equipment, which had taken over Fox Film and Fox Theatres, was bankrupt. So was Fox Theatres, and so, as of February 27, 1933, was the once highly desirable Fox West Coast Theaters chain. Fox Film was nearly dead.

As for the once-august banking establishment, it was in the process of being exposed. On November 22, 1933, the day before Fox's scheduled appearance, Chase National Bank president Winthrop W. Aldrich had made a shocking disclosure to the Senate subcommittee: since Clarke's takeover in April 1930, the Chase Bank and its affiliate Chase Securities had loaned a staggering \$89.3 million to the Fox companies and General Theatres Equipment. Of that sum, Chase had already written off \$69.6 million as a total loss. The investment had been an utter disaster.

So, early on Thursday morning, November 23, 1933, Fox appeared at the subcommittee's chamber bristling with energy. "He seemed so full of the information that he wanted to give," subcommittee counsel Pecora would recall nearly thirty years later. "He was very articulate about it, and very dramatic in his expression . . . he literally held that hearing entranced."

That day and the next, Fox poured out his story. Wearing glasses, smoking a cigar, gesturing expressively, and often speaking rapidly, he veered across a wide range of emotions. He made wisecracks that drew hearty laughter from the senators and the large gallery of spectators. He frowned and looked worried. He sounded paranoid, referring to "unseen hands" and "cataclysms." He knew he sounded paranoid. "I am not foolish enough not to realize that to establish a conspiracy is a very, very, very difficult thing," he said. "I mean, what can anyone know, or what could I know in advance, supposing that a group of men have made up their minds to conspire against me? Why, I wouldn't know that until it actually took place."

At times, tears streamed down his face.

Was he shouting? He realized he was. "I am sorry that I raised my voice. I am sorry if I spoke too loud. But you gentlemen must understand that I have been all the way through this thing, and must know how I feel about the results."

Or did they even want to hear all this? "I am not here to press the story, unless you really want to hear it," he emphasized. "If you want the truth, I will give it to you." Encouraged to continue without restrictions, he said, "You have been very nice and very sweet about it, all of you." As difficult as it was, he really did want to tell the story again: "If I were to die tomorrow, I would feel that my job on earth is completed provided I have finished my testimony before you."

If Fox thought he was no longer quite so angry as before, he found out differently on the first day of his testimony. Harley Clarke was in the room. He, too, had been called to appear. Several times, Fox glared at Clarke, who sat only a few feet away. When the noon recess was called and Fox started to leave the witness chair, Clarke approached him and, in a low voice, said he wanted to correct Fox on certain points. Fox shouted back, "You gave me the greatest runaround any man ever got and I'm going to read every damned word into the record."

Fox's testimony made front-page headlines nationwide. The senators thanked him for his appearance. But nothing changed. The story was old and the story was over. And Fox had already started to move on.

Nobody

If the dream is not to prove possible of fulfillment, we might as well become stark realists, become once more class-conscious, and struggle as individuals or classes against one another.

—JAMES TRUSLOW ADAMS, THE EPIC OF AMERICA, 1932

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m ollowing}$ the public's indifferent response to Upton Sinclair

Presents William Fox and his 1933 Senate testimony, Fox's desire intensified to regain a leadership position in the motion picture industry. No, he would not run a studio again. That would be too painful. Instead, he intended to control the movies through his Tri-Ergon sound-on-film patents.

It was an oddly amnesiac ambition. The same William Fox who in the early 1910s had led the fight against the Motion Picture Patents Company as an attempted industry monopoly now wanted to create his own patents-based monopoly. With grandiose visions of hundreds of millions of dollars, Fox intended to issue licenses and charge royalties to everyone who made or showed sound movies in the United States. Because no one made silents anymore, he would effectively determine who made movies and, by extension, what kind of movies they made. The former rebel who had helped knock down the gates of privilege now wanted to build them back up with himself on the inside.

His hopes rested on two of his twenty-three Tri-Ergon patents.

The first, for a flywheel mechanism used in almost all film projectors, had been issued by the U.S. Patent Office on May 21, 1929. The flywheel solved one of the major problems of motion picture sound reproduction, distortion, by ensuring that the thin, almost weightless filmstrip moved at a highly precise rate of speed over the projector's sound head, where photographic fine lines were translated into sound. The second important Tri-Ergon patent, approved on September 29, 1931, was for the double-print process, which involved printing separate sound and picture negatives side-by-side on the same positive film. Each patent had a life span of seventeen years and afforded Fox the exclusive right to make, use, and sell the invention.

Angry at the rest of the motion picture industry, which he believed had done nothing to help him retain control of Fox Film and Fox Theaters, Fox had turned on his former colleagues. In late November and early December 1931, he took out full-page trade publication ads announcing that all sound motion picture producers, exhibitors, and equipment manufacturers were infringing on his Tri-Ergon patents and thus liable to him for a share of their profits. If they didn't pay, he would sue. (The only exceptions were the Fox companies, to which he had given free Tri-Ergon licenses.) Some in the industry believed Fox wouldn't get anywhere. Others nervously remembered his fighting spirit. Nobody paid.

He did sue, filing two lawsuits in different jurisdictions. First, in the federal court's Eastern District of New York, he sued Paramount Publix for infringement of the Tri-Ergon double-print process. Paramount, however, was only the nominal defendant, representing all U.S. movie producers—because as Paramount's fate went, so would theirs—and was neither conducting nor paying for the defense. No doubt much to Fox's vengeful relish, those tasks fell to AT&T because its ERPI subdivision had indemnified all its licensed producers from such lawsuits.

Fox's second Tri-Ergon lawsuit, filed in federal court in the Middle District of Pennsylvania, went after all U.S. movie theater owners for infringement of his flywheel patent. This time the nominal defendants were Paramount's Altoona Publix theater and the Paramount-owned Wilmer & Vincent theater chain, while the real defendant was RCA, which manufactured the two types of projectors used in those theaters. (By this point, former combatants AT&T and RCA had cross-licensed each other under their patents.)

To date, film history has interpreted the court decisions in both Tri-Ergon cases as honest legal opinions. Newly accessible information indicates that they were anything but. In all likelihood, Fox bought the outcomes he wanted.

More is known about the Pennsylvania case. Its location in Altoona was curious. "That's where our investigators found machines that were infringing the patent we had," Fox said. It was a weak explanation. Arguably, if he had to go all the way to Altoona, Pennsylvania, to find a problem, then he didn't really have a problem. A much better reason to go to Altoona was that it was located in one of the most corrupt federal judicial districts in the country.

The kingpin of the justice-selling racket there was Judge J. Warren Davis, the ruling force on the Third Circuit Court of Appeals, which covered the entire state of Pennsylvania. The federal court system is divided into three tiers: the district courts, where trials take place; the appeals courts, where unhappy litigants go to protest unfavorable trial court decisions; and finally, the U.S. Supreme Court. Because the Supreme Court approves very few petitions for review and because the process tends to be lengthy and expensive, an appeals court decision often functions as the last word on a case. With decisions made by a panel of three judges, never a jury, and with a two-thirds majority sufficient to carry the day, appeals courts depend heavily on the integrity of each member. Although one of the best-educated judges on the federal bench—a graduate of Bucknell University, Crozer Theological Seminary, and the University of Pennsylvania Law School, with additional studies in history and philosophy at the University of Chicago and the University of Leipzig—Davis was a compulsive gambler with a predilection for making bad bets in the stock market.

Davis formed a court majority by exploiting the weaknesses of

his colleague Judge Joseph Buffington. In his late seventies, appointed to the federal bench in 1892, Buffington had such poor eyesight and hearing that he rarely knew what was going on in court. He relied on Davis to tell him, and by his own admission, he usually voted the way Davis told him to vote.

Fox was probably introduced into this corrupt circle by his friend Albert M. Greenfield, who had done business and socialized with Davis and Kaufman for years. In a September 15, 1927, letter to Greenfield, Davis wrote, "I cherish and reciprocate your good friendship."

By the time Fox decided to try to enforce the Tri-Ergon patents, Davis needed money desperately. He had lost heavily in the stock market crash and owed at least \$100,000 to several banks. On a \$12,000 annual salary, he couldn't pay. In March 1932, when one bank tried to extract a \$300-a-month commitment from him, he wrote back, "I wish that I could do this, but frankly, at this time I cannot do it. At this time it takes every cent that I can raise to pay interest and taxes, life insurance and to live."

Fox, of course, had money. Consequently, in October 1932, he filed his flywheel patent-infringement lawsuit in the Middle District of Pennsylvania. He didn't pay Davis directly. Instead, he hired Scranton, Pennsylvania, lawyer Morgan S. Kaufman (whom Judge Davis used to solicit payments from litigants and covertly transfer the money to him) for \$10,000, even though Kaufman was not a patent lawyer and was considered unqualified even to assist in patent litigation. Kaufman would do no work on the Tri-Ergon case, which was handled entirely by the New York City patent law firm Ward, Crosby & Neal.

Davis and Kaufman's first task for Fox was to arrange matters in district court, the entry level for all federal cases. In the Middle District of Pennsylvania, Davis had a long-standing collusive relationship with district court judge Albert W. Johnson, who ran his Lewisburg, Pennsylvania, courtroom as a moneymaking enterprise.* Fox's Tri-Ergon case was assigned to Johnson.

When the trial began in late September 1933, neither the facts nor the law mattered, only the money. Although defense lawyers for Altoona Publix and Wilmer & Vincent protested—with considerable evidence—that the Tri-Ergon flywheel was old news, anticipated by many prior patents and inventions, Fox won a sweeping victory. In his November 24, 1933, opinion, Johnson rejected every one of the defendants' thirteen proposed conclusions of law, affirmed all thirty-eight of Tri-Ergon's proposed conclusions of law, and ordered the defendants to account for and pay American Tri-Ergon all profits received from the infringement. When Altoona Publix and Wilmer & Vincent appealed to the Davis-controlled Third Circuit Court of Appeals, the outcome was likewise a foregone conclusion. That opinion, signed on June 13, 1934, by the nearly blind and deaf Judge Buffington to cover for Davis, affirmed the lower court decision and patted Judge Johnson on the back for his "able and comprehensive" understanding of the case.

Several years later, Fox would be questioned about corruption in the Pennsylvania Tri-Ergon case. Federal investigators asked, "Was there any loan or anything made there?" Fox replied, "I really don't know. I think you had best let me come back after a little lunch." The investigators did not follow up on the question.

Fox's conduct in the Pennsylvania case casts clouds of suspicion over the New York case, which began slightly earlier but which was never thoroughly investigated. In the Pennsylvania case, Fox had gone after exhibitors via his Tri-Ergon flywheel patent used in almost all sound projectors. In the New York case, he targeted movie producers by asserting his Tri-Ergon double-print patent rights.

New York proved more difficult. At the district court level, in the Eastern District of New York, with AT&T conducting the defense on behalf of nominal defendant Paramount Publix, Fox lost. On August 14, 1933, district court judge Marcus B. Campbell invalidated Fox's double-print patent on the grounds that it made no new contribution to motion pictures. Fortunately for Fox, at the next level up, the Second Circuit Court of Appeals was dominated by Judge Martin T. Manton, who, according to the FBI, shared several crooked connections with Judge J. Warren Davis. One of them was Davis's bribe collector, Morgan S. Kaufman, who

evidently fixed dishonest deals for Manton as well.

Although there is no proof that Fox bribed Manton on the Tri-Ergon double-print patent appeal, it's highly unlikely that money didn't change hands. Fox and Manton had known each other since the mid-1910s, when both moved in Tammany Hall circles; Manton was then a lawyer in service to the political machine. The outcome was consistent with a bribe. On June 4, 1934, nine days before the Davis court issued its favorable ruling in Pennsylvania, Manton's court overturned the trial court decision and found that Fox's double-print patent was valid, with Paramount Publix liable for damages.

The two appeals court decisions were not necessarily bad legal decisions. The Tri-Ergon patents did have strong claims to originality and indispensability. After all, Fox had triumphed in the very difficult process of patent approval, and a patent grant carried with it the presumption of validity. However, with both appeals court decisions almost certainly bought and paid for, Fox didn't give them the opportunity to come out right. His conscience didn't bother him. If he was buying justice, he believed, he was doing so because that was the only way to get justice.

The rest of the motion picture industry was determined to stop Fox. Most producers and exhibitors were already on their knees financially as a result of the Depression and would not be able to absorb the pass-along costs from AT&T and RCA, which, because of their contract indemnification clauses, would have to pay the patent-infringement damages. With funding from AT&T and RCA, Paramount Publix, which had declared bankruptcy in 1933, petitioned the U.S. Supreme Court to review both Tri-Ergon appeals court decisions. On October 8, 1934, the Court denied the petition.

"Film Boys in Jitters," reported a *New York Telegraph* headline. The accompanying article described Fox as now "virtually the sole dictator of the picture industry," who "can crack the whip over the producers at any time he cares to do so, and in any manner he chooses."

Fox was ecstatic. Some said he danced around his office when he heard the news. Nine days later, he sued six movie companies and soon had filed a total of thirty patent infringement lawsuits against all the major studios except Fox Film and against distributors, independent producers, and sound film laboratories. Reportedly, he planned to open a nationwide collection agency to gather Tri-Ergon royalties.

That was a big mistake. Fox had not yet won conclusively. The law provided for a brief waiting period during which the aggrieved party could ask the Supreme Court to reconsider if there were some new good cause. Fox's lawsuits gave Paramount Publix a new good cause. To write the petition for a rehearing, AT&T and RCA shrewdly hired former U.S. attorney general William D. Mitchell, whose office had filed the November 1929 antitrust lawsuit to stop the Fox-Loew's merger. Mitchell contended that Fox was trying to "coerce substantially" the entire movie industry and that unless the Tri-Ergon patents were set aside, one person would completely dominate the field. In other words, the Tri-Ergon patents should be invalidated simply because they were so commercially valuable.

On November 5, 1934, three days after Mitchell filed his petition, the Supreme Court reversed itself and, without explanation, agreed to review the Tri-Ergon cases. The action was highly unusual. The last time the Supreme Court had changed its mind like that had been in 1928, and the usual rule for patent cases was to grant a review only when there was a conflict in the lower court decisions. Fox was now prevented from pressing his lawsuits because the appeals courts' decisions could no longer be considered final. An M-G-M executive sent Fox a telegram reading, "Hope you didn't spend the money you didn't get."

To prepare the Supreme Court brief and take part in the oral argument, Fox hired George Wharton Pepper, a former U.S. senator and University of Pennsylvania law professor. Pepper believed that the appeals courts' decisions were correct and that the Tri-Ergon patents were technically valid and "highly meritorious." However, when two days of arguments began in the Supreme Court on February 4, 1935, he knew instantly that he had lost. In his 1944

memoir *Philadelphia Lawyer*, Pepper wrote, "I have argued in some chilly atmospheres but this one was subzero. I felt as if I were addressing myself to nine penguins sitting on ice blocks. We never had a chance."

Did Chief Justice Charles Evans Hughes chat with his colleagues about his experiences with Fox as a client in late 1929? Could Hughes have overlooked Fox's bitter, public criticisms of his former law firm, Hughes, Schurman & Dwight? Wouldn't the high court justices have known about the notorious reputations of federal judges Davis and Manton, whose decisions they were reviewing? Was the Supreme Court perhaps assessing not what had happened but to whom it had happened and the way it had happened? There are no recorded answers to those questions.

On March 4, 1935, the Supreme Court invalidated the Tri-Ergon patents. With Justice Louis Brandeis abstaining, the vote was unanimous. Hughes had voted against Fox. The opinions on the two cases, written by Justice Harlan F. Stone, found that the Tri-Ergon patents were based on "ancient mechanical devices" and lacked "novelty and invention." Because the patents were not valid, they had not been infringed, and Fox could not collect royalties.

Fox's youngest sister, Malvina, was with him when he learned of the ruling. In tears, he told her, "They've stolen my dream." That was the way he would always interpret the event, as another great injustice done to him. In a last-ditch attempt, while not challenging the double-print patent decision, Fox asked the Supreme Court for a rehearing on the flywheel patent case. His application was denied. Now the war truly was over. The Tri-Ergon patents were worthless.

Actually, Fox's loss was not necessarily as great as he believed. Even if the Supreme Court had validated the Tri-Ergon patents, he might never have regained substantial power in the motion picture industry for three good reasons. First, Fox's ownership of the Tri-Ergon patents had been challenged. In its 1932 lawsuit against him, Fox Film claimed that when he bought the Tri-Ergon patent rights in 1928, he could have done so only as an officer of the company

acting on behalf of the company—and therefore, the Tri-Ergon rights belonged to the company. Second, neither the flywheel mechanism nor the double-print process was absolutely essential to sound-on-film technology. By early November 1934, RCA had started to substitute another device for the flywheel in its projectors. To replace the double-print process, AT&T's Bell Laboratories had developed an alternate "vertical cut" method that Paramount and Columbia had already started using. Third, Supreme Court decision or not, many in the motion picture industry had no intention of paying Fox. Following his apparent victory in October 1934, one unnamed movie executive told the *Los Angeles Times*, "you can look for a struggle from now until doomsday."

Such facts didn't really matter. Fox knew only that he had lost his last hope for a comeback. He was now, in his own eyes, nobody.

Alone

As Fox's future disappeared, so did his past. By the spring of 1935, when the U.S. Supreme Court invalidated his Tri-Ergon patents, Fox Theatres no longer existed and Fox Film was staring at doom. Thanks to the disastrous regimes of utilities magnate Harley Clarke and banker Edward Tinker, the studio had lost all the vitality and creative fervor of the Fox era.

The installation of Sidney Kent, Paramount's former head of sales, as the new Fox Film president in the spring of 1932 hadn't made much difference. Kent later said that if he'd known the true state of affairs, he probably wouldn't have taken the job. Almost immediately, Kent confronted roiling studio politics and was forced to take back Winfield Sheehan, who had taken a leave of absence in late 1931 due to an alleged nervous breakdown. Sheehan had had Fox Film's director of safety, Joseph Reilly, a former New York City police officer whom he had known during his days at the police commissioner's office, gather evidence on his behalf. Reilly eavesdropped on conversations of the studio's new business manager, Donald McIntyre, tapped phone lines, and reported to Sheehan that McIntyre had called him stupid and greedy. Sheehan threatened to sue for criminal libel and breach of contract. McIntyre was fired. On June 15, 1932, Sheehan returned as vice president in charge of production. In December 1932, McIntyre threw himself out the window of a twenty-first-floor hotel suite in New York City.

Sol Wurtzel, who had been dismissed in early 1932, returned at

the same time as Sheehan. Possibly that was Sheehan's doing. Although they'd been bitter rivals during the Fox administration, Wurtzel was now Sheehan's best bet for an ally in upper management.

Three years of strife followed. Sidney Kent, who'd hoped instead to appoint his former Paramount colleague Jesse Lasky as head of production, didn't want Sheehan, and continually undermined his authority. Kent canceled Sheehan's unilateral authority over creative matters and required all major decisions to be referred to him or general sales manager John D. Clark. Although Sheehan held on, production fell deeper into disarray. According to Robert D. Webb, then an assistant director at Fox, nobody ever wanted to make a decision: "They would have quite a few stories that somebody would start fooling with and then the picture would be delayed and delayed, never hit the stages."

Managerial chaos had a crushing effect on the studio's creative talent. To get through the much-troubled *Walking Down Broadway*, in production from August to October 1932, director Erich von Stroheim drank heavily, carrying a quart-size whiskey flask in one of the large pockets of his camel's hair coat. In November 1932, Fox Film's most popular romantic actor, Charles Farrell, quit before the end of his contract. He explained, "I am sick of motion pictures and am fleeing from Hollywood with utter disgust." Farrell's usual onscreen partner, Janet Gaynor, stuck it out, but one day during filming of *State Fair* (1933), Sheehan showed up on the set to tell her, costar Will Rogers, and director Henry King that the studio couldn't make payroll. All three volunteered to defer their salaries so that secretaries and security guards and stagehands could keep their jobs.

There were some bright spots. *State Fair* was a hit and was nominated for two 1932–1933 Academy Awards, including Best Picture. *Cavalcade*, based on Noel Coward's hit play about three decades of life in upper-class London, earned nearly \$3 million against a cost of \$1.1 million and won 1932–1933 Academy Awards for Best Picture and Best Director (Frank Lloyd). Fox Film also had steady moneymakers in Shirley Temple, who was an instant

sensation in her first starring role in the musical comedy *Stand Up* and *Cheer* (1934), and in Will Rogers and the Charlie Chan series with Swedish actor Warner Oland.

Fox Film president Kent tried hard to revive hope. In mid-1933, he reorganized the company, slashing Class A and B stockowners' holdings by five-sixths and issuing about two million new A shares, which were given to creditors to cancel \$38 million in debt. Then he tried to talk the organization back into prosperity, even going as far as to assert, absurdly, that production was "functioning better than it ever has in the history of this company." The numbers told a different story. For 1933, Fox Film had a paltry net operating profit of \$853,668—which was at least better than the \$8.4 million loss for 1932. The following year, while the rest of the industry started to recover, Fox Film earned a net profit of only \$1.27 million.

Optimistic puffery aside, the studio had taken too bad a beating to recover. The spirit of enthusiasm and enterprise that Fox had instilled was gone. Hopelessness, lethargy, anger, and fear prevailed. The mother of a Fox Film extra, who decided to visit the studio to see what kind of place her daughter worked in, found herself pushed off the property with a warning to "get the hell out of here." The same woman, who owned one-and-a-fraction shares of Fox Film stock, later attended a shareholders meeting and, on her way to the meeting room, saw porters and attendants with their feet up on desks and stenographers smoking and chatting with them. She said, "The only active gentleman I saw in the building, I rushed over and shook hands with. He was in the tax department—the only department working. I never saw such shameful waste."

In early 1935, studio management began looking aggressively for a solution. No one even suggested bringing back Fox. The idea was unthinkable. Neither Fox nor the Chase Bank, which in the 1933 reorganization had replaced General Theaters Equipment as Fox Film's largest shareholder, had any worse enemy than each other. Instead, Sidney Kent went hunting for a merger partner. He found only one suitable candidate: tiny, two-year-old Twentieth Century Pictures.

It was an odd match—one of the oldest film producers with one

of the youngest; one of the largest with one of the smallest—yet the courtship made sense. Fox Film didn't want to pair up with any other major studio, which would have brought along a parcel of expensive real estate. Fox Film, with its nearly one-hundred-acre Movietone City and its eight-acre Western Avenue lot, already had what were widely considered the best physical facilities in the industry. Twentieth Century owned no land, but rather, made all its movies at United Artists, which also handled distribution. The real selling point, however, was that Twentieth Century had what Fox Film most needed: strong, effective leadership. Run by chairman of the board Joseph Schenck and production chief Darryl F. Zanuck, Twentieth Century had, since its start in 1933, made twenty features, only two of them flops and minor flops at that. On average, Zanuck's movies earned 2.5 times their average negative cost, the best record in the industry. As a result, the two companies had roughly equal annual earning power: \$1.7 million for Twentieth Century versus Fox Film's \$1.8 million. In many ways, thirty-two-year-old Zanuck was another William Fox-energetic, decisive, interested in all facets of production, and keenly attuned to audiences' tastes-with the distinct advantage of not actually being William Fox.

Negotiations took place so quickly and secretly that when the deal was announced on May 27, 1935, the news hit the industry like a "major bombshell." Although Fox Film shareholders still had to give formal approval at an August 15 special meeting, no one involved doubted the outcome. Even Sheehan recognized a fait accompli. On July 16, he resigned in exchange for nearly \$430,000 to settle the remaining seventeen months of his contract and for giving Sidney Kent an irrevocable proxy to vote his 13,000 Fox Film A shares in favor of the merger.

It was time to forget the past and start fresh. Under the terms of the merger, Schenck, the brother of Nicholas Schenck who had arranged the 1929 sale of the Loew family's shares to Fox, would be Fox Film's new chairman of the board. Kent would remain as president. Zanuck would take charge as head of production. Rumor had it that the new team intended to drop the Fox name altogether.

Fox couldn't let go. To try to block the merger, he filed two lawsuits. Nine days before the shareholders meeting, he sued Fox Film, Fox Theatres, General Theatres Equipment, Chase National Bank, and Chase Securities for \$21 million, alleging that they had repudiated their agreements with him and committed "unlawful acts." Several days later, on behalf of his wife and the holding company he'd created for his assets, he asked the New York state courts to stay the merger on the grounds that Fox Film's price for Twentieth Century's assets was "recklessly exorbitant." (The merger involved a multi-faceted stock swap. While the new preferred stock was allocated to reflect the fact that Fox Film had a net worth of about \$36 million and Twentieth Century a net worth of only \$4 million, the common stock was to be evenly divided between Fox Film and Twentieth Century shareholders.) Fox got nowhere. A judge ruled that the court had no authority to review business decisions as long as they were made honestly and in good faith.

Fox and Eva didn't bother to vote their stock at the August 15, 1935, meeting. There was no point. The Chase Bank owned about 72 percent of the total 2.42 million Class A shares outstanding; the other large shareholders were the investment firms of Hayden, Stone and White, Weld & Co. To no one's great surprise, more than 2 million Fox Film shares were voted in favor of the merger and fewer than 2,000 against it.*

"This is the finest deal ever put together in the industry," Kent declared at the meeting, which drew fewer than one hundred shareholders and their lawyers. No one mentioned all the milestone achievements of the William Fox era or the fine reputation that Fox Film had once enjoyed. Yes, the company name was going to change, not as drastically as Fox might have feared, but with the small, upstart company given precedence over the major pioneer. In explaining the choice of "Twentieth Century–Fox," Kent said, "There has been a bad smell about Fox in the past. Some of it still persists. It will be an asset to the company to send new product out under a new label."

It was a mean world. In his personal life, too, a swarm of hostile forces beset Fox.

In late March 1934, a letter signed "Dillinger's lieutenant" and decorated with a pair of crudely drawn skull-and-crossbones, arrived for Eva at Fox Hall threatening to kidnap the two Fox grandsons unless she paid \$50,000. The text, in neatly printed capital letters with "an excess of punctuation marks" and many misplaced periods, warned that the junior William Foxes, now nine and seven, could be taken "as easy as young Lindbergh was got." A week later, a postcard arrived repeating the demands.

Fox hired a round-the-clock detail of private guards, changed the Fox Hall phone number three times, and called in the FBI. Although a trap was set, with Eva leaving a purported ransom package (containing wadded paper instead of \$50,000 in cash) at midnight at the Culluloo Monument in a secluded section of Woodmere, and with armed federal agents dressed as gardeners posted nearby, the trail went cold. No one showed up all night to collect the package, and no further communications were received.

But someone had to be punished. In the summer of 1934, federal agents arrested Maurice Monnier, a diminutive, soft-spoken, thirty-five-year-old unemployed chauffeur. In late July—four months after Eva received the extortion letter—Monnier had gotten into a fistfight with the Fox Hall gatekeeper. He had come to apply for a job, bearing a letter of introduction to Eva from his former employer, the head of a Wall Street brokerage. When the gatekeeper told him to go away and tried to push him off the property, Monnier punched him in the nose. That assault constituted half of the state's case against Monnier. The other half arose from his use of wide loops when writing a capital M, just as the letter writer had, and his tendency to misplace periods.

In a Fox movie, it would have been obvious that Monnier was being railroaded, but no one in the Fox family could see very clearly. Smartly dressed in a black silk dress, fur cape, black-and-white turban, and amber-colored glasses, Eva testified for the prosecution in October 1934. The jury deadlocked, voting seven to five in favor of conviction. At a second trial two months later,

Monnier was exonerated. Nobody got justice. Monnier had spent three months in a federal detention center because he couldn't afford to pay the \$25,000 bail, and the real culprit was never found.

More bizarrely, Fox found himself stalked and harassed for money by an aging, ailing feminist and world peace activist who believed he had publicly disgraced her. Rosika Schwimmer had once been known as the most powerful woman in the world. At the turn of the century she organized an association of feminists in her native Hungary, and in 1915 she persuaded Henry Ford to finance a "peace ship," the ocean liner *Oscar II*, which traveled in December from New York Harbor to Norway to promote a speedy end to the world war. Afterward, Schwimmer's life went downhill. The peace ship flopped, and Henry Ford, who reportedly spent \$500,000 on the expedition, turned against Schwimmer. Some blamed her for his subsequent anti-Semitic rants in the *Dearborn Independent*. By the late 1920s, no one wanted to book her for a lecture or publish her articles.

Schwimmer's obsession with Fox stemmed from a casual reference he'd made to her in *Upton Sinclair Presents William Fox*. Fox had mentioned that while trying to round up support for the peace ship, she called his New York office and promised him that if he sponsored the project, he could sell twenty times as many movie tickets. Arguably, it was a flattering portrayal in that, even though he turned her down, Fox presented Schwimmer as astute enough to speak to him in his own language. Schwimmer, however, was furious. Claiming that she and Fox never met and that the book depicted her as "an arch-hypocrite" who was only after money, she filed a \$100,000 libel lawsuit against Fox and Sinclair. A judge dismissed the case without a trial.

Instead of dropping the matter, Schwimmer became obsessed with the idea of meeting Fox to hear him repeat his story face-to-face. She even sent an acquaintance to spy on him at the Woodmere Club. Fox refused all contact, but was not unsympathetic. Aware of Schwimmer's money troubles, he offered to pay all the court costs entered against her if she would simply sign a general release of claims. She refused, and brooded that Fox "should be shut up in an

asylum where he cannot do harm to decent people." What did she want so badly from Fox? Perhaps just kinship and commiseration. They had both been born in Hungary—Schwimmer was only sixteen months older. Both were Jewish. Both had once had worldwide influence, and both had lost it. Fox had the wisdom to keep his distance. No good would come of their meeting.

In the broader frame, a spirit of malevolence threatened the values of tolerance and inclusion that girded Fox's vision of America. Not only in Europe was anti-Semitism mobilizing as an aggressive menace. Close by Fox Hall, hate groups were active with impunity. On August 25, 1934, an evening parade organized by the local chapter of the Friends of New Germany, a reputed Nazi organization, traveled through Long Island's South Shore communities. Some sixty cars festooned with Nazi swastika flags carried about two hundred men and women who wore red, white, and blue armbands emblazoned with a swastika and who raised their hands in a Nazi salute. Escorting the procession were "husky uniformed county motorcycle police officers."

Five years of futile effort had left Fox weary, disillusioned, and sad. At Fox Film, he had had unlimited horizons. Now his main social activity was to go next door to play golf at the Woodmere Club. Often his companion was psychiatrist Dr. Menas Gregory, with whom he sometimes had a sandwich on the porch. According to the country club president, Fox was "always gruff" and rarely spoke to anyone else.

His family, too, had been badly damaged. A rumor circulated that Eva, Mona, and Belle were now so paranoid that, once, they all fled to separate corners of a room, each with a gun, ready to shoot the others. This was probably an exaggeration, but it was true that they were rarely seen outside Fox Hall and appeared to have no social contacts beyond the family. The home that had once provided peaceful, restorative rest for Fox had become a fortress with the drawbridge raised.

Revenge

The big sudden blows that come, or seem to come, from outside—the ones you remember and blame things on and, in moments of weakness, tell your friends about, don't show their effect all at once. There is another sort of blow that comes from within—that you don't feel until it's too late to do anything about it, until you realize with finality that in some regard you will never be as good a man again.

—F. SCOTT FITZGERALD, "THE CRACK-UP," ESQUIRE, FEBRUARY 1936

Severed from the glory of his past, fifty-six-year-old Fox broke down psychologically. Try though he had to overcome the loss of his companies, he could not. Following the announcement of the Twentieth Century–Fox merger, he wanted revenge.

The triggering event was a \$297,412.91 judgment entered against him on July 18, 1935, by the Capital Company of California for unpaid rent on the San Francisco Fox Theatre. Nine years before, when he had gone in with the Capital Company, a subsidiary of A. P. Giannini's Bank of America, to build the theater, the arrangement had been that the Capital Company would own the land and the building, while Fox Theatres would pay annual rent of \$235,000. At Giannini's insistence, Fox had personally guaranteed the rent for the duration of the twenty-five-year lease.

Harley Clarke's acquisition of Fox Theatres in 1930 hadn't voided that obligation. Neither did the terms by which one of Fox's new real estate companies, Pacific Theatres, agreed to take over the San Francisco Fox in March 1933. The theater had closed down five months earlier, a financial failure due to Clarke's larcenous mismanagement, the Depression, and a local market overbuilt with extravagant movie palaces. Although Fox got the rent lowered to \$200,000 annually, the theater continued to lose money, probably because it played independent movies for a top ticket price of twenty-five cents. The Capital Company refused to renegotiate the lease. In March 1934, Fox stopped paying the full rent and instead remitted all the theater's income beyond operating expenses. In December 1934, the Capital Company sued Fox, and seven months later, it won its judgment. Fox refused to pay. As he saw it, he was doing the best he could with the theater while the Capital Company refused to be reasonable.

To get its money, the Capital Company would have to subpoena Fox to appear before its lawyers to answer questions about his financial assets. However, a subpoena could be served only within a one-hundred-mile radius of the issuing court, which in this case was in New York City. In July 1935, Fox moved to Atlantic City, just beyond the hundred-mile limit.

He didn't plan to stay there forever. Instead, to clear himself of the Capital Company debt, he intended to file for personal bankruptcy there.

It was an absurd idea. In addition to a personal fortune now estimated at more than \$25 million, he maintained three homes (Fox Hall, his twenty-two-room apartment at the Marguery Hotel and Apartments at 270 Park Avenue, and a house in Miami), employed a retinue of servants, and owned a huge art collection. In Atlantic City, he first settled his family into the deluxe Claridge Hotel on the Boardwalk, where they would remain for the better part of a year. He could easily have afforded to pay the Capital Company judgment.

Bankruptcy was also a shameful idea, representing a final break with his self-image as a morally upstanding leader. When he

engineered favorable decisions on his Tri-Ergon lawsuits, Fox had convinced himself he was twisting a corrupt judicial system back into shape to achieve the proper result. Now he sought only his own financial gain and the satisfaction of a private symbolic demand. Bankruptcy would outwardly describe his inner impoverishment.

Fox's decision led to an irreparable rift with his brother Aaron's family. In January 1935, Fox had cut off the sixty-dollar-a-week alimony payments he had been making since the fall of 1932 to Aaron's ex-wife, Alice—the official explanation being that Aaron could no longer afford to pay the sixty dollars a week, even though Aaron had never provided the money. Months later, Alice was destitute, and in a letter to Eva, she pleaded that her young son and daughter were in danger of becoming public charges. Eva wrote back tersely, "Better children than yours have been raised in New York orphanages." That summer, with no family members of her own able to help, Alice sent nine-year-old William and seven-year-old Anne Carol into care at the Hebrew Sheltering Guardian Society in Pleasantville, New York. They remained there for a year and a half, until Alice found a twenty-five-dollar-a-week job in California. None of them ever forgave Fox or Eva.

As Fox's mental state declined, so did his physical health. Just before the move to Atlantic City, he had spent several weeks in serious condition in a New Jersey hospital, probably because of his diabetes. In October 1935 he traveled to Canada for treatment at Toronto General Hospital by Dr. Frederick Banting, co-winner of a 1923 Nobel Prize for the discovery of insulin. Banting asked one question, "What are you grieving about, Mr. Fox?"

It was pointless to suggest that he shouldn't feel what he couldn't help feeling. He remained hospitalized in Toronto for at least two months, leaving his room only for morning rides downtown to check on his stock market investments. Confronted by a reporter, he became agitated, shook his head sharply, and pleaded to be left alone, saying, "I'm a sick man."

Fox constructed his bankruptcy story with lies and forged

documents. The basic premise was that he was broke because, several years before, he had given a large portion of his wealth to his wife through a holding company called the All Continent Corporation. Since then, he claimed, he had lost all the rest of his millions. Only a slender tent pole of fact supported the fiction. In October 1930, six months after selling out to Harley Clarke, Fox really had formed the All Continent Corporation and had transferred to it \$6.9 million in securities.. There the truth ended.

In fact, Fox created All Continent not to safeguard his family's financial future but to dodge personal income tax. He had treated the transfer of securities like a sale and had written off more than \$8 million in losses, reducing his tax liability by nearly \$1.5 million. And he hadn't given All Continent to Eva. To create the appearance of having done so, he now faked an irrevocable trust deed dated January 28, 1931, removing him from authority and naming Eva as All Continent's new president. FBI investigators would later determine that the document had been created no earlier than mid-1935 and backdated to meet bankruptcy law requirements. The clue was the letter h. Experts who examined documents typed on the same typewriter found that in 1931, the h had been in perfect shape, but by mid-1935, it was worn and out of line, producing letters that looked exactly like those on the alleged trust deed. Another sign of trickery was the condition of All Continent's books, which had frequent erasures, corrections, and interlineations.

Indeed, in early 1931, Fox had no reason to cede financial control to his wife, who knew nothing about investments. He still believed he would make a movie industry comeback. In June 1932, under questioning by Senate banking committee counsel William A. Gray, Fox said that All Continent was his company, wholly owned by himself; in early 1935 he was still handling all its stock transactions and all its capital stock remained in his name. Fox probably also forged the document that allegedly gave Fox Hall to Eva on April 14, 1930. At that time, he'd had no incentive to put the estate in her name. By mid-1935, he did. The Capital Company was publicly threatening to file a lien against the property. If Eva

owned the house, it could not be seized.

As Fox immersed himself in his campaign for vengeance, he withdrew from community life. He closed down personal bank accounts, transferred money to a byzantine network of business accounts, and began keeping vast amounts of cash—at one point, \$350,000—in locked drawers or hidden compartments of specially made furniture. In late 1935, he and Eva discontinued their membership in Temple Emanu-El, Manhattan's most prominent synagogue, where they had belonged for about a decade.

Still, Fox hesitated to file his bankruptcy case with the court. It would be a humiliating step. Perhaps he could find another way out.

The New Year opened with a shock that stirred up old emotions and clouded Fox's vision even further. On January 2, 1936, the day after Fox's fifty-seventh birthday, Michael Fox died in Hot Springs, Arkansas, the resort town where he had been living with his second wife. As much as Fox had always hated his father, he could not repudiate him. Still needing to prove he was different, he would not do what had been done to him. He had Michael's body sent to New York and arranged for burial in the family plot at Mount Hebron Cemetery in Flushing, Queens.

On Sunday, January 5, 1936, for the first time since moving to Atlantic City six months earlier, Fox returned to New York. The funeral proceedings were somber and circumspect—until Fox's sudden outburst, when he spat on his father's coffin and snarled, "You son of a bitch."

There were probably many layers to his anger, not only for the past but also for the present. Michael Fox's abdication as his family's leader had robbed his son of a childhood, forcing him to go to work full time at age ten, and had instilled in him a heavy sense of responsibility toward others. Fox had borne up, made the most of it, even reveled in his presumed ability to know better than everyone else what ought to be done for their welfare. Yet, since his fall from power, he had faced the hidden costs of a life lived beyond

ordinary proportions. He was unfit for a smaller scale and kept thrashing against walls that would not give way. His father, he believed, had set him on this course.

Meanwhile, financial pressures on Fox were escalating. Determined to enforce its judgment, the Capital Company had hired private detectives to trail him. In early October 1935 they'd found him on a train entering the Frankfort Junction station near Philadelphia, just within one hundred miles of New York, and had served him with a subpoena requiring him to appear for questioning the following month. He didn't. In February 1936, a federal judge ordered Fox arrested and held in custody until he either paid the Capital Company's judgment or submitted to questioning.

He did neither. In Fox's grief-deranged mind, justice was what he decided it was. And he decided that he'd already satisfied the judgment. After foreclosing—wrongly, Fox believed—on the San Francisco Fox and capturing his \$1.5 million investment, the Capital Company had held a public auction in August 1935 to sell off all the theater's furniture and fixtures. The Capital Company never notified Fox and was itself the highest bidder, at \$49,000—for items that had cost Fox about \$1.1 million. Even allowing for depreciation, Fox believed that the Capital Company owed him money, rather than vice versa.

The Internal Revenue Bureau was also after Fox, alleging \$3.6 million in unpaid taxes, interest, and fraud penalties related to his 1929 and 1930 tax returns. Mainly, the government didn't believe there was any difference between William Fox and the All Continent Corporation. Consequently, by merely passing his stocks from one hand to the other following the stock market crash, he hadn't been entitled to write off more than \$8 million in losses.

In both cases, Fox saw nothing except further attempts to persecute him. He was still struggling to understand what had happened to him. Someone in a clearer frame of mind would probably have stayed away, but in March 1936, he went to Washington, DC, to attend hearings by the Federal Communications

Commission about AT&T's involvement in the movie business. Looking unkempt, "in need of a shave," he listened carefully as witnesses described his negotiations with the phone company six and seven years before. The findings were eye-opening. Although AT&T had always denied having any ambitions in the movie industry beyond selling sound equipment, a forensic accountant found that from 1932 to mid-1935, the phone company had plowed \$3.4 million into movie productions at various studios that mostly flopped. Later, in 1936, AT&T president Walter S. Gifford would acknowledge that such activity had been "unwise and unpractical."

Fox had been right about AT&T's expansionist motives. Still, nothing could change the past.

Shortly after attending the FCC hearings, Fox prepared in earnest to file his bankruptcy petition. To make sure the case would be handled the way he wanted, he turned to the team from whom he had purchased his 1934 Tri-Ergon lawsuit victory in Pennsylvania—federal judge J. Warren Davis and his bribe collector, Scranton, Pennsylvania, lawyer Morgan S. Kaufman. Here was another reason for choosing Atlantic City: it was within the jurisdiction of Davis's Third Circuit Court of Appeals, which at that time handled all federal appeals cases in Pennsylvania, New Jersey, and Delaware.

Davis referred Fox to an Atlantic City law firm, Bourgeois and Coulomb, that wouldn't balk at the questionable aspects of the case. Then, during the first weekend in May 1936, a planning meeting was held at the Traymore Hotel on the Boardwalk. There was no need yet for Davis to attend, but Kaufman went, towing along his older brother, David E. Kaufman, a well-connected Philadelphia lawyer, and eighty-year-old judge Joseph Buffington, Davis's senior colleague on the Third Circuit Court of Appeals.

Forgoing the ocean breezes and saltwater taffy, Morgan Kaufman set out to recruit federal bankruptcy referee Robert E. Steedle. A quasi-judicial official appointed by the court, the bankruptcy referee oversaw day-to-day proceedings in bankruptcy cases. Steedle was certain to be assigned to the Fox case because he

was the only federal bankruptcy referee in Atlantic City. Although Kaufman had met Steedle only twice before, it was reasonable to assume that Steedle would snap at attractive bait. Atlantic City was then ruled by local Republican boss Enoch "Nucky" Johnson (the model for Enoch Thompson in HBO's *Boardwalk Empire*), who flagrantly ran gambling and prostitution rackets.*

Kaufman called at Steedle's office on Saturday morning, May 2, 1936, on the pretext of borrowing a legal book. Steedle received him cordially, but had to be arm-twisted into a meeting the following day at the Traymore. There, at the end of an hour-long conversation in the hotel lobby, Buffington invited Steedle to come to Philadelphia to meet the other federal judges. Implicit was the hint that Steedle might be in line for a judicial appointment. Steedle accepted, but would cancel the next day.

Shortly after Steedle left the Traymore, Fox (as noted by the watchful Capital Company detectives) showed up. For about an hour and ten minutes, he talked to the Kaufmans and Buffington in the lobby. Money may have changed hands. The day before, Fox's younger daughter, Belle, had withdrawn \$15,000 in cash from the All Continent Corporation's account at the Guaranty Trust Bank in Atlantic City.

Still, Fox delayed filing his bankruptcy petition. Then, on May 28, 1936, the Capital Company began a second lawsuit against him for \$218,081 in further unpaid rent (since the judgment the previous summer), on the San Francisco Fox. Around the same time, Fox learned that the Chicago Title and Trust was about to get a \$1.25 million judgment against him for the final three payments on the Roxy Theatre, which the bankrupt Fox Theatres had never paid and which he had personally guaranteed.*

On May 29, 1936, listing liabilities of \$9.5 million and cash assets of \$100, Fox declared bankruptcy. Fool that he was, he later explained to the court, he had squandered \$14 million on sour investments such as closed banks; failed movie and radio companies; the San Remo Hotel in New York, whose bonds he had bought through a golf club friend; and "some chemical company that had some process for shining shoes." He now depended entirely

on his wife and daughters' generosity. They paid for shelter, bought the food, and put the clothes on his back. Outlandish as the story was, the press believed it. *Variety* commented, "This is probably the most amazing individual come-down of one of the most colorful figures in the trade."

According to standard procedure, Fox was immediately adjudicated bankrupt. He was not, however, immediately absolved of his debts. Instead, court officials would now begin to examine his finances in search of hidden assets. Fox was prepared for them to find some money. Among his liabilities, he had listed debts to Eva, Mona, and Belle of more than \$50,000. Of course, his wife and daughters weren't really dunning him for repayment. The purpose of their claims was to stand between him and his legitimate creditors and to absorb any funds that might be found.

Around the time of the bankruptcy filing, Morgan Kaufman brought Judge Davis to see Fox, who had recently moved his family from the Claridge Hotel to a leased house on Delancey Place facing the ocean. For more than an hour, the three men sat on the front lawn and discussed Fox's troubles. According to Fox, Davis listened sympathetically and promised to get Steedle to cooperate.

No money was mentioned that day. However, in mid-July, Kaufman returned alone to see Fox and confided that Davis needed \$15,000 to pay for his daughter Mary's wedding to Roger Firestone, an heir to the Firestone Tire fortune. Could Fox lend Davis the money? It wasn't really a question. Neither was it really a loan. There was no mention of a due date or interest or collateral or any other aspect of repayment. Indeed, Davis would never return the money, and Fox would never ask him for it.

Within days, Fox brought the money in fifty- and hundred-dollar bills to Philadelphia and gave it to Kaufman in Kaufman's apartment at the Bellevue Stratford Hotel.

Davis and Kaufman tried everything to lure Steedle into the fold. They called on him, uninvited, at his home and advised that the Fox case was going to have "real money in it." Steedle changed the subject. Davis invited Steedle on several fishing trips. Out on the water, away from prying eyes and ears, Davis offered to help

Steedle get appointed as a federal district court judge and to have Morgan Kaufman, whom he described as a financial "wizard," buy some stock for him. Steedle ignored both suggestions. Davis invited Steedle and his wife to Mary Davis's wedding on August 22, 1936—a modest affair that took place on the lawn of Davis's home in Lawrenceville, New Jersey, and probably cost only a fraction of Fox's \$15,000 "loan"—and took the Steedle family out to dinner. When the subject of Fox came up, as it invariably did, Steedle remained noncommittal.

Secretly, Steedle was horrified by these blatant attempts at bribery. After Kaufman's first visit to his office on May 2, 1936, he began taking notes on yellow foolscap paper. Then, too frightened of their content to give them to his secretary, he typed his notes himself, destroyed the handwritten originals, and put the typed pages in an envelope in a locked safe at his home. The U.S. Justice Department would later describe Steedle's diary as "one of the most astounding revelations of intrigue and attempt[s] to obstruct justice as the eyes of man have ever seen."

Right away, Steedle made it clear that he intended to conduct the matter properly. On Monday, June 1, the day the case was referred to him, two Fox lawyers showed up at Steedle's office with a petition asking him to appoint a receiver who would have absolute authority in managing Fox's assets. They had names ready for the receiver and attorney for the receiver. The latter was the key position. To fill it, they wanted Davis's brother, J. Mercer Davis, the former prosecutor of Ocean County, New Jersey, who had been tried twice on corruption charges in connection with Prohibitionera bootlegging and who had won suspicious acquittals. Steedle refused. Instead he appointed a trustee and a trustee's attorney to act on behalf of the creditors and he named honest men to both jobs.

Steedle also ignored a pestering visit from Morgan Kaufman, who tried to tell him how to handle the case. Kaufman wanted Steedle to set aside the claims of the Capital Company and the Chicago Title and Trust and to allow Fox's claims against others—principally those against Fox Film and the Capital Company—to be

heard first. If that were done, Kaufman explained, then Fox would have enough money to pay all his legitimate creditors. Otherwise, nobody would get anything, because Fox had no money.

Steedle let the claims of the Capital Company and the Chicago Title and Trust stand and squarely addressed the main issue of the case: ownership of the All Continent Corporation, the holding company where Fox had stashed his multimillion-dollar fortune. Fox's creditors didn't believe the trumped-up trust deed that had allegedly given the company to his wife and daughters in 1931. They insisted that All Continent belonged entirely to Fox and that its assets should be seized to pay his debts. To resolve the dispute, Steedle authorized the creditors' lawyers to examine Fox's books and records and to question Fox and members of his family.

The proceedings rapidly descended into warfare. Defying the court's instructions, Fox refused to permit access to All Continent's records. When Steedle ordered Herbert Leitstein, Fox's bookkeeper since 1909, to turn over the books, Leitstein clutched them tightly and refused to let go. As for Fox's personal financial records, Leitstein claimed that they had "disappeared" in 1930 and that he hadn't "the slightest idea" who'd taken them. Steedle cited Leitstein for criminal contempt.

Under questioning by the creditors' lawyers, Eva Fox, who was nominally All Continent's president and who'd received a \$25,000 salary for 1935, claimed to have no memory of recent transactions. "I've been sick and I'm just sitting here in a daze. I can't remember anything," she pleaded. Steedle let her go, but ordered her back the following day. She sent a doctor's note instead. Although a courtappointed doctor found her well enough to testify a few days later, she still didn't return. Steedle cited Eva, too, for contempt.

Outwardly, Fox made a show of arrogance, laughing at the Capital Company's lawyer and called the hearings "child's play." Privately, he was worried. He had challenged two of Steedle's unfavorable rulings in the Federal District Court in Camden, New Jersey, had lost, and had appealed both cases to J. Warren Davis's Third Circuit Court of Appeals. Davis would have to make the right decisions.

That was going to cost extra.

With both cases pending, Davis phoned Fox and arranged to meet on December 18, 1936, in a room at the Adelphia Hotel in downtown Philadelphia. There, Davis told Fox that his daughter, now Mary Firestone, had given him money for safekeeping. He wanted to return it, but had spent it. Could Fox lend him—in cash, of course—\$12,500? This would be the same kind of "loan" as before, never to be repaid and never to be asked for.

Fox got the money in twelve new \$1,000 bills and \$500 in other new bills and took the train from Atlantic City to Philadelphia's Broad Street Station. There, after calling Davis from a pay phone, he bought a newspaper, wrapped the money in it, and then walked the short distance to meet Davis at the corner of Twelfth Street and either Chestnut or Walnut Street (later, he couldn't remember which). Fox said, "We withdrew into the hallway of a building and I handed Judge Davis the money." The transaction took two or three minutes. Neither spoke. Then Fox returned to Atlantic City.

Davis gave Fox his money's worth. Of the total of five Fox bankruptcy cases that came before the Third Circuit Court of Appeals between 1936 and 1938, all five were decided in Fox's favor. All the opinions were signed by the elderly Buffington, but as Buffington later admitted, they had all been written by Davis.

A particularly blatant display of bias occurred regarding Eva's contempt citation, which bankruptcy referee Steedle had issued in September 1936. In January 1938, Davis appointed another doctor, his good friend, the dean of Philadelphia's Jefferson Hospital, to assess Eva's condition. Never having seen her before, Dr. Ross V. Patterson decided that, in fact, sixteen months earlier she had been too ill to testify. The Davis court then invalidated Eva's contempt citation. It was a shocking course of events, not only because Patterson couldn't possibly have inferred Eva's previous condition from present data, but also because, by law, the Circuit Court of Appeals was supposed to consider only the existing record and not any new information. When the opposing lawyers, representing the bankruptcy trustee and Fox's creditors, protested, Davis simply disregarded them. So that was that.

Inflamed by his legal victories, Fox's desire for revenge burned through relationships and the remnants of relationships that might have helped him recover. His unchecked rage alienated George Wharton Pepper, the distinguished Philadelphia lawyer who had represented him before the U.S. Supreme Court on the Tri-Ergon case and who had agreed to work on one aspect of the bankruptcy case. In late 1936, several of Fox's New York lawyers drafted a court pleading that they wanted Pepper's firm to rubber-stamp. "And we had some rather acute controversy about it," Pepper recalled. The document "did not square with my ideas of professional propriety. They called people names. They engaged in, well, I think it was a vituperative, bad-mannered, bad-tempered document and I would not stand for it." Pepper's firm quit the case.

Fox also became estranged from one of his most steadfast allies, brother-in-law Jack G. Leo. Fox owed money to Leo, and although he had plenty of it, he doled it out in slow, parsimonious installments. By the time Fox made the final payment around the beginning of 1937, Leo felt "a bitterness on both sides, which I don't believe will ever be smoothed out, and I am just as well pleased that the matter stands as it is."

Then, bizarrely, in the late spring of 1937, Fox went to Hollywood to demand restitution from Twentieth Century-Fox. After failing to get what he wanted from chairman of the board Joe Schenck and company president Sidney Kent, he approached Sol Wurtzel, still head of the Western Avenue studio. Wurtzel, having just returned from a vacation in Asia, found a message on his desk reading, "Mr. Fox returned your call—he is stopping at the Beverly Wilshire Hotel." In fact, Wurtzel had made no such call, but Fox couldn't acknowledge that he was in a needy position. When a curious Wurtzel phoned back, Fox invited him to lunch at his hotel the next day. "It was the first time I had seen him in about eight or nine years," Wurtzel wrote to Jack Leo and his wife, Rose. "I immediately assumed that the reason he called me was because he wanted something from me. This I found to be correct." Fox asked Wurtzel to press Schenck and Kent to call off the Fox companies' 1932 lawsuits against him and pay him \$1.8 million in back salary.

Wurtzel was astonished: "Of course, I felt Fox's demand for settlement was ridiculous. However, I told him I would speak to Kent and Schenck." Kent and Schenck told Wurtzel, as they had told Fox, that only the board of directors could settle the matter. Then Fox made an even more absurd request. He wanted Wurtzel to tell his two bosses that unless they gave Fox what he wanted, he, Wurtzel, would be very unhappy, and if he were unhappy "my work would suffer and the pictures would suffer." And if Kent and Schenck then suggested that Wurtzel resign? Wurtzel would land on his feet, Fox promised, because he intended to start a new production company and Wurtzel could run the business for him.

"This request was so ridiculous that while he was talking to me . . . I came to the conclusion that either Fox thought I was an idiot, or that he himself was a lunatic or desperate or ruthless," Wurtzel recalled. "When he made the statement to me that he was going back into the film business, he forgot that he mentioned to me the day previous that he was financially broke."

Finally Wurtzel had an opportunity to exact revenge for all the years of abuse he had suffered. "I told Fox his request was an important one and I would like to think it over for a few days. The next morning I called up Joe Leo and told him to tell Fox that I considered his request preposterous and so ridiculous that I did not want to see him or talk to him again, that he would do me a great favor by not communicating with me." Wurtzel had given Fox his private phone number. "This I immediately had changed, and also left word at my home that in case Fox called I was not in." They never saw each other again.

On Sunday, July 9, 1937, around 3:00 a.m., a series of explosions shook the Little Ferry, New Jersey, warehouse to which Twentieth Century–Fox had banished all its prints and negatives of William Fox–era movies. The trouble began when, in one of the building's improperly ventilated vaults, gases from decomposing nitrate film spontaneously ignited. Flames spread quickly to all the other vaults, shot out of windows in tall sheets, set five nearby homes on fire,

severely injured several bystanders, and pitched "blazing rolls of film" every which way. The entire archive was obliterated. Gone forever were the only known copies of most of the films Fox had produced.

Twentieth Century–Fox hadn't sent all its old movies to the Little Ferry warehouse—only everything* from 1914 to 1932, the year that the Chase Bank fired Harley Clarke and began trying to pull the studio out of the abyss into which everybody's bad decisions had plunged it. The studio's new leaders wanted to bury history. Fate—and a heat wave during which temperatures soared to one hundred degrees and a shoddily constructed facility without automatic sprinklers—went them one better. Now there would be scant evidence to remind anyone of William Fox's once-towering stature in the motion picture industry.

"What are you grieving for, Mr. Fox?" Everything, it seemed: his lost kingdom, his ruined legacy, the broken promises of his beloved country, and finally, irretrievably, his honor, which he himself had willfully destroyed.

Confession

More or less, there is always something the matter with me.

-WILLIAM FOX, AUGUST 1941

Inevitably, Fox was caught. With rumors abounding for years about Judge J. Warren Davis's corrupt practices—one of his judicial colleagues said Davis was a "crook and always has been"—the FBI focused on him in early 1939, soon after opening a nationwide investigation of misconduct among federal judges. Scrutiny of Davis quickly led to an examination of his court's five controversial rulings in the Fox bankruptcy case, all of which had favored Fox regardless of law or logic.

At first, Roosevelt administration higher-ups tried to sweep the Davis matter under the rug. In the spring of 1939, U.S. attorney general Frank Murphy pressured Davis to retire, evidently on the assumption that the FBI probe would then dissolve. Davis acceded. At seventy-two and eligible under a 1937 law to receive his full \$12,000 annual salary for life, he well knew the risks of remaining on the bench. In addition to his dishonest dealings with Fox, Davis had evidently sold decisions in many other big-money lawsuits. Among them were cases involving Paramount Pictures, Singer Sewing Machine, the Kelly-Springfield Tire Company, Universal Oil Products, and New York poultry racketeer Joseph Weiner.

To minimize institutional embarrassment, Attorney General

Murphy tried to present Davis's departure as a respectable event. He told the press, "You can be sure that when anyone retires he is confident that his record is clear." Likewise, President Roosevelt, approving Davis's retirement application in late April 1939, wrote to the judge to thank him for his twenty-two years of service on the federal bench (including eighteen on the Third Circuit Court of Appeals) and to wish him "many years of health and happiness."

Actually, it wasn't going to be that easy. After learning that Davis had received a letter of exoneration, District Court judge William Clark, who had fought with Davis for years over what he believed were his corrupt decisions, went on the warpath. Clark, a Harvard graduate and heir to the Clark Thread Company fortune, told the FBI that he and other federal judges were not going to take this "laying [sic] down." They wanted to see Davis in prison. So, as it turned out, did J. Edgar Hoover, who considered Davis a primary target of the judicial investigation.

Facing such a strong backlash, Attorney General Murphy pivoted and threw his full weight behind the effort to expose Davis. In early June 1939, Murphy announced that the Justice Department was assigning some of its best agents to examine Davis's "financial transactions and difficulties." This was the same team that several days earlier had won a landmark corruption-of-justice conviction against Second Circuit Court of Appeals judge Martin T. Manton. (In 1934, Manton's court found in favor of Fox on the New York part of his Tri-Ergon patents case; that ruling wasn't presented at Manton's trial because the prosecution had an abundance of other evidence.) A Columbia Law School graduate who had once been rumored as a prospect for the U.S. Supreme Court, Manton was the first federal appeals court judge to be tried for, and thus also convicted of, influence peddling.

Invigorated by the Manton victory, the government bore down hard on Davis. In late August 1939, Davis was barred from sitting in any new cases, even though retired judges were supposed to remain available for duty if needed—that was the reason they drew full salary. Then, in February 1940, the Circuit Court of Appeals began rehearing twelve cases decided by the Davis court. Fox came into

the crosshairs in February 1940, when a federal grand jury in New York began to investigate Davis's activities there. Subpoenaed as a witness, Fox underwent several preliminary interviews with prosecutors that spring and appeared twice before the grand jury there. Apparently not yet realizing that he'd had direct contact with Davis, but out to get Kaufman as Davis's intermediary, prosecutors asked only about Fox's relationship with Kaufman.

Outwardly Davis feigned indignation, denouncing the accusations against him as "false and pernicious" and the result of a contemptible personal vendetta against him by Judge Clark. Privately, he panicked. He wasn't worried about Fox's first \$15,000 payment. Fox had given that to Kaufman in small bills that couldn't be traced. The second payment, of \$12,500, was another story. Fox had handed that to Davis in twelve \$1,000 bills, and Davis had passed five of those bills along to his daughter, Mary Firestone, who had deposited them in a Florida bank. How closely did banks track high-denomination currency?

At Davis's insistence, he and Fox met in early 1940 at New York's Hotel Pennsylvania, across the street from Pennsylvania Station. They hadn't seen each other since December 1936, when Fox gave Davis the \$12,500 wrapped in newspaper in the Philadelphia office building hallway. Davis wanted Fox to find out whether his bank in Atlantic City had recorded the serial number of the thousand-dollar bills. Fox said he would check. He didn't even try. He no longer cared what happened.

His indifference turned to revulsion in early July 1940, when they met a second time at the Hotel Pennsylvania, again at Davis's request. Highly agitated, Davis had learned a few days earlier that federal agents had traced the serial numbers of the five \$1,000 bills from Belle Fox's bank account in Atlantic City to Mary Firestone's Florida bank account. They needed a good cover story, Davis said. Would Fox go along with this? For years, Davis had loaned money to a secondhand tire dealer in Trenton, New Jersey, David Lewis. Fortunately, David Lewis was now dead. Davis asked Fox to tell federal investigators that he, Fox, had borrowed \$5,000 from Lewis and had paid it back with the disputed bills. Davis would then claim

that Lewis had used the same money to repay a loan to him.

It's difficult to guess which aspect of the story Fox found more offensive: its utter implausibility or the notion that he, who had once dealt with the nation's leading financiers, would be reduced to cadging money from a man who bought and sold discarded automobile parts. Whatever the reason, Fox balked. "I said I couldn't possibly do that. I had never met the man in my life. I didn't want to become involved in that at all." As a compromise, he did agree to say, because it was true, that his daughter Belle had often deposited thousand-dollar bills at the Land Title Bank and Trust in Philadelphia, where David Lewis also did business. As for the way the money had made it through to him, Davis planned to say that Lewis had tried to repay a loan to him with a pile of grubby, wrinkled small bills, but he had refused to accept them and had told Lewis to go to the bank to get fresh, crisp large bills. It was still a highly unlikely tale, but at least Fox would be only tangentially involved.

For the next eight months, Fox rigorously avoided Davis.

He could not, however, sever their past ties. In early 1941, when the FBI's investigation of Davis shifted to Philadelphia, a grand jury there subpoenaed Fox as a witness. In preliminary interviews in early March in New York, government agents asked him if he had ever given money to Davis or to Kaufman to give to Davis. Fox said no. The agents told Fox they knew he was lying. Get a lawyer, they advised, and tell the truth.

During the following week, Fox changed his position dramatically. Abandoning his passive hope that the trouble would go away and leave him alone, he decided to take responsibility. However, Davis and Kaufman would have to go down, too.

To establish evidence of his direct connection to Davis, Fox laid a trap. Through Morgan Kaufman, he set up a meeting for Monday, March 17, 1941, at the Governor Clinton Hotel at Thirty-First Street and Seventh Avenue. As instructed by Fox's lawyer Murry Becker, Davis checked in under a false name, signing the registration card in front of the desk clerk as Herman Goldberg, the name of one of Kaufman's friends in Pennsylvania. As an unexpected bonus, a hotel

chambermaid saw Davis repeatedly peering around the corner in the hallway outside his room while waiting for Fox, and shortly afterward, she saw Fox enter Davis's room. Fox stayed for an hour and a quarter and assured Davis he would tell the Philadelphia grand jury that they had never met.

The next day, on March 18, 1941, Fox told another of his lawyers, Martin W. Littleton, that he was ready to confess.

It wasn't inconsistent that after fighting so zealously and expensively for several years to perpetrate a fraud, Fox should now surrender. His five purchased decisions in Davis's court had been hollow victories. He hadn't gotten any satisfaction from demonstrating the easy corruptibility of the justice system, and money for its own sake had never meant much to him. Money as a symbol of social status did matter greatly, yet he had proven himself an enemy of society by striking at one of its primary institutions, the judicial system. His conscience had never left him alone. He wanted to confess, he later explained, to "cleanse my soul."

Fox was also deeply troubled by the shame and distress he had heaped on the people he loved. Already there had been one casualty. At 2:00 p.m. on October 25, 1939, several months into the Davis investigation, Fox's seventy-three-year-old cousin Charles S. Levin had jumped off the roof of the ten-story building adjacent to the Cameo Theatre, at 138 West Forty-Second Street. A co-owner of the Cameo, which for the past ten years had shown mostly Russian Communist films, Levin had been the corporate secretary of Fox Film and one of its board members during Fox's reign. If the FBI hadn't already approached him, he must have feared that prospect. A witness saw Levin kneeling at the eastern end of the roof muttering to himself and then walking over to the west side and jumping.

Others in the family were bound to suffer severely if Fox continued to lie. The prosecution was threatening to indict Eva and Belle Fox. Although Fox would always maintain that neither of

them knew anything about his payments to Davis, it was theoretically Eva's money he had used, and it was Belle who had gone to the bank to make the withdrawals. They trusted him completely, and he had implicated them. He had good reason to fear that both might crumble psychologically if accused as criminals. Eva had had several violent, self-injurious episodes during the months that Fox was fighting to save his companies, and Belle, who worshiped her father, had in recent years developed a muscle disorder that some family members believed was hysterical paralysis. Then there was that rumor about Eva, Mona, and Belle crouching in separate corners of a room ready to shoot one another.

In Philadelphia, Littleton and a law partner spent two days negotiating the terms of Fox's cooperation with the government. Then, on Saturday, March 22, 1941, five days after his meeting with Davis at the Governor Clinton Hotel, Fox waived his constitutional rights and told prosecutors that he had given \$27,500 to Davis while he had cases before his court. On Monday, March 24, he repeated the information to a federal grand jury in Philadelphia.

Although no one ever said so, apparently part of the consideration Fox received for his cooperation was immunity from prosecution for Eva and Belle. He also evidently negotiated protection for two close friends, lawyer Murry Becker and Philadelphia business tycoon Albert M. Greenfield. Although both were involved, neither would ever be put on the witness stand or charged with any crime. For himself, Fox neither requested nor received immunity from prosecution. He didn't want favors, he said later. "I was prepared to tell that whole story regardless."

On March 28, 1941, six days after his confession, Fox was indicted along with Davis and Kaufman for conspiracy to obstruct justice and defraud the United States. He was the only one of the three present when the charges were read in the windowless, walnut-paneled Philadelphia courtroom of Judge Guy K. Bard. In a move that surprised those who knew him as a tireless fighter, Fox indicated that he wanted to enter a plea. Then, standing, he said in a low voice, "Guilty." Escorted by deputies to the marshal's office to pay his \$5,000 bail, he pulled a roll of cash from his pocket and

unfurled five \$1,000 bills.

Davis and Kaufman were not nearly so compliant. Appearing hours later—this was the building where he had engineered the five Fox bankruptcy decisions—Davis glumly posted bail and, after trying to walk away, reluctantly submitted to being fingerprinted. Kaufman showed up the next morning. At arraignment on April 14, 1941, both pleaded not guilty.

Each of the three defendants faced a maximum penalty of two years in federal prison and a \$10,000 fine. Fox would be sentenced later, after the prosecution of his two alleged co-conspirators.

The trial of Davis and Kaufman began in Philadelphia on May 19, 1941, with Fox as the star witness for the prosecution. Called to the stand early on by prosecutor Walter H. Gahagan Jr.—the tall, youthful, handsome government lawyer who had won the corruption-of-justice conviction of federal judge Martin T. Manton two years earlier—Fox calmly told his story about giving Davis two payments totaling \$27,500. Several jurors' eyes widened. Gahagan then presented a series of witnesses who traced the five \$1,000 bills by their serial numbers from Fox's Atlantic City bank account to the St. Augustine, Florida, bank account of Davis's daughter, Mary Firestone. It was a tidy, persuasive case, not perfect, but weighted with facts laid out in logical, incriminating succession.

Unable to refute that evidence, Davis and Kaufman relied instead on emotionalism, crumpled reasoning, and flat-out lies. Each had his own team of lawyers, a circumstance that positioned them to turn on one another. They didn't. Instead, they mutually maintained their complete innocence.

Shrewdly, Davis, now seventy-four, had hired Philadelphia criminal lawyer William A. Gray, who in mid-1932, as counsel to the Senate Committee on Banking and Currency, had interrogated Fox about his stock trading practices. Days later, Fox had stolen Gray's big moment by pleading illness and not showing up for questioning in front of the Senate committee. Seizing the chance now to get even, Gray pilloried Fox as a paranoid kook and a

pathological liar who saw conspiracies everywhere. Gray even claimed that Fox was "a confessed criminal in other matters" and that in exchange for his testimony, he had been promised a free pass for "his other crimes." It didn't bother Gray that the statement was completely untrue. As he would note in his closing argument, "[W]e haven't got the slightest fear in connection with the facts in this case." That is, when the facts weren't convenient, he simply ignored them.

By contrast, Gray presented Davis as a monument of integrity, accenting the fact that for forty years, Davis had taught a men's Bible class every Sunday at church. Davis himself gave a grand performance. Usually wearing the same rumpled, tan gabardine suit to court, he unfurled a rags-to-respectability tale that began with his farm-boy childhood of clearing land "with a yoke of oxen," digging ditches, and hauling rails. Rising to theatrical heights, he declaimed, "While I have been poor, not a dishonest dollar ever found its way into my pockets or my possession."

Morgan Kaufman's defense was even more audacious, consisting largely of a ferocious ad hominem attack on Fox. Kaufman's main lawyer, I. Gainsburg, railed against Fox as a person "with no conscience at all, much less a soul," a "despicable liar" who was driven by a "vicious mind" and "lecherous thoughts" and whose true nature was reflected in the "satanic, vicious look upon his face." According to Gainsburg, Fox was unfit for inclusion in the human race: "I say to you, and I mean it as earnestly as my outward appearance indicates it to you, that he is less reliable than the yellowest cur that runs wild in the streets of New York, or Philadelphia, if you have any yellow curs here."

"One minute, gentlemen," the judge admonished at one point. "This isn't a three-ring circus we are running here."

When testimony concluded on May 29, 1941, the tenth day of the trial, Gahagan wasn't assured of victory. His case had three large holes. First, because bankruptcy referee Robert Steedle had died in May 1937, Gahagan couldn't use the so-called "Steedle diary," which documented Davis and Kaufman's repeated attempts to bribe him. Second, a private detective hired by the Capital

Company to watch Fox in Atlantic City had also died, likewise making his written reports inadmissible. That detective had seen Davis and Kaufman with Fox on his front lawn in Atlantic City in May 1936, around the time of Fox's bankruptcy filing—a meeting that Davis and Kaufman had strenuously denied under oath. (In each instance, the evidence was inadmissible because the defense would not be able to assert its right to cross-examine the accuser.) Third, Fox refused to describe his payments to Davis as bribes. He repeatedly insisted that they were loans and that rather than intending to commit a crime, "I was hoping that justice would be done by me."

Around 10:15 that night, after five hours and forty-nine minutes of deliberation, the jury of eleven men and one woman returned to report a hopeless deadlock. They had split right down the middle, six to six. The judge declared a mistrial.

Stunned, Gahagan suspected jury tampering. Judge Davis's brother, lawyer J. Mercer Davis, was a well-known jury fixer and had been present during jury selection. In the course of the trial, two of J. Mercer Davis's notorious associates, Harry Corbally and Peter J. Dodd, were rumored to have been loitering in and around the courthouse. FBI agents investigated, but couldn't find enough evidence to take action.

Gahagan moved for a second trial, which began on July 28, 1941, and lasted for twenty days, twice as long as the first. This time, with Davis and Kaufman equally savage in their attacks, Gahagan was stronger, but Fox was weaker. He could appear only in the afternoons because he required diabetes treatment every morning. He looked pale and couldn't recall details, even those he had discussed with Gahagan moments before taking the stand. "More or less, there is always something the matter with me," he said. Could he truly not remember, or was he losing interest? Gahagan later wrote to a colleague, "I frankly cannot decide."

Testimony in the second trial ended on August 22, 1941. Twenty-two hours later, the jury of nine men and three women returned to report a deadlock. They had split seven for conviction and five for acquittal. Again, the judge had to declare a mistrial.

This time, Gahagan was certain that the jury had been fixed. Within days, he and FBI agents began extensive interviews with the jurors. Among the five who had held for acquittal, the ringleaders appeared to have been Edward Slocum, an American Legion employee, and Ella B. Clark, a doctor's wife. Other jurors described Slocum and Clark as close-minded bullies who monopolized the deliberations. Before any discussion of the evidence, Slocum jumped up and said that rather than convict Davis and Kaufman, "I'll stay here until hell freezes over." Clark said it would take dynamite to make her change her opinion. Slocum refused to listen to the other jurors, constantly interrupted them, shouted "for all he was worth," and pounded his fists on the table. One juror described the proceedings as "Bedlam" and commented, "At no time did we have an ordinary, sane discussion."

Gahagan believed that Slocum and Clark had been illegally influenced by two shrewdly ambitious Philadelphia lawyers, husband and wife Raymond Pace Alexander and Sadie Alexander, operating on behalf of Davis and Kaufman. Although the well-educated Alexanders would later be lauded as saintly civil rights advocates, in 1941, as African Americans, they were still struggling for professional advancement. Ella Clark was evidently the inside connection. The Alexanders and the Clarks, who were also African American, had been close friends for about a decade, and over the years, Dr. Edgar Clark had referred many personal injury cases to Raymond Alexander. It was Raymond Alexander who had submitted Ella Clarke's name for the jury pool, and she apparently recruited Edward Slocum, another African American member of the jury.

Other suspicious events occurred: phone calls from strangers to the homes of jury members; an overheard comment in the courtroom, "Everything's all right," from an outside lawyer to Morgan Kaufman on the last day of the trial; in response, a broad smile from Kaufman; and the behavior of jury foreman Harry McDougall. A sixty-eight-year-old guard at the Publicker Commercial Alcohol Company who also voted for acquittal, McDougall made virtually no attempt to subdue Slocum and Clark. According to an FBI informant, Davis's lawyer Gray was well

connected in the liquor business and could "get to" anyone connected with it. When asked about several of Davis's self-contradictory statements, McDougall told Gahagan, with what one might imagine was a Cheshire cat smile, "I guess us jurors ain't bright enough to pick up some of these things."*

In the end, the evidence of jury tampering was again too insubstantial for authorities to bring charges against anyone.

Gahagan wanted a third trial. U.S. attorney general Francis Biddle overruled him. The federal government had spent more than \$10,000 on the first two trials, and it was customary to drop charges after a second mistrial. In November 1941, a judgment and order of nolle prosequi were filed, formally abandoning the case against Davis and Kaufman.

The Justice Department, however, kept after Davis and Kaufman through other channels. To get him off the public payroll, on November 8, 1941, Attorney General Biddle asked the House Judiciary Committee to begin impeachment proceedings against Davis. Within two weeks, Davis had resigned, forfeiting the \$12,000 annual salary he'd been guaranteed for life as a retired judge. Then Davis's former stronghold, the Third Circuit Court of Appeals, began a two-year investigation of his conduct that culminated in a blistering October 1943 report condemning him for at least six crooked decisions—including all five related to Fox's bankruptcy case. Leaving his New Jersey home, Davis returned to the area where he had lived as a teenager and settled on a farm just outside Norfolk, Virginia. He died there on February 21, 1945, at age seventy-seven.

Morgan Kaufman, too, was punished. In May 1943, the U.S. District Court disbarred him, and in November 1944, so did the Circuit Court of Appeals, citing "unethical conduct." He was now unable to practice in federal court. In July 1947, Pennsylvania's Board of Governance recommended disbarment; Kaufman fought back for more than a year, then gave up and resigned as a member of the Pennsylvania Bar.

The government's abandonment of the case against Davis and Kaufman left Fox standing alone as guilty of the conspiracy in which all three had participated.

When, in March 1941, Fox had agreed to testify against Davis and Kaufman, federal prosecutors assured him that if they failed to win a conviction, the government would not object to his withdrawing his guilty plea and standing trial on the original charges. That seemed only fair. After all, Davis and Kaufman had actively solicited the bribe, and without Fox's cooperation, the government would have had no case against them.

Accordingly, when Fox appeared for sentencing on October 21, 1941, in the Philadelphia federal courthouse, he submitted a petition to change his plea to not guilty, and expected it to be automatically approved. In all known cases at the federal and state court level, when the prosecution agreed, a motion to withdraw a guilty plea had always been granted. However, U.S. attorney Gerald A. Gleeson opposed Fox's petition because of the gravity of the offense and asked for "a substantial prison term." Judge Guy K. Bard—in whose court Fox had pleaded guilty seven months earlier—agreed, sentencing Fox to a year and a day in federal prison and fining him \$3,000.

Fox showed no sign of emotion and he remained silent while his lawyer, Martin Littleton, protested for more than thirty minutes. Bard would not change his mind. Instead, he raised Fox's bail from \$5,000 to \$15,000.

While Littleton went out to get the extra money, Fox spent two hours in a detention cell on the third floor of the courthouse. He became ill, but when Eva appeared with bicarbonate of soda pills, the guard refused to let her into the cell. Federal law prohibited anyone except a federal officer from giving medication to a prisoner.

"Talk about your Gestapo!" Eva shrieked. After an argument, she was allowed to give Fox the medicine. After Littleton appeared with the additional \$10,000, Fox and Eva left the building arm in arm—a sad pair, unwell in body and mind, trying to support each other amid unfathomable desolation.

Although Fox perceived it as yet another betrayal, the government's opposition to his motion to withdraw his guilty plea was simply a bureaucratic snafu. Hugh A. Fulton, the U.S. attorney who had given Fox the assurance, had moved on to another government position and had neglected to fill in his successor, Gleeson. Once informed of the mix-up, Fulton wrote to Judge Bard explaining the situation. Gleeson then withdrew his objection, and even U.S. attorney general Francis Biddle got involved, sending word that he had a "definite desire" that Fox be allowed to stand trial. Bard did not relent. Fox's guilty plea stood, and so did his punishment.

Fox spent the next year fighting Bard's decision. The prospect of prison shook him deeply. The one person who might have counseled him through the psychological trauma was gone. On November 2, 1941, less than two weeks after Fox's sentencing, his longtime friend, psychiatrist Dr. Menas Gregory, suffered a fatal heart attack at age sixty-three while playing golf at the Lake View Golf Club on White Plains Road. Ten days later, Fox wrote to Albert M. Greenfield that he was in a "desperate state of mind."

Fox's lawyer, Martin Littleton, tried hard. He argued that to let Fox's guilty plea stand would accomplish "an unheard of result": a cooperative government witness with no previous criminal record would be punished for a crime that the government had never proved existed. Littleton pointed out that, by definition, one person alone could not constitute a conspiracy—and the government had abandoned its case against the only other people ever alleged as coconspirators, Davis and Kaufman. At the very least, Littleton asked, wouldn't the court suspend Fox's prison sentence and punish him with the fine alone? The answer was always no.

Littleton's reasoning was not altogether sound. Regarding criminal conspiracies, the law took a practical view and counted itself lucky to have caught any of the participants. The general rule was that a single defendant could be prosecuted and convicted for conspiracy. That had happened in the past. The only restriction was that one defendant in a conspiracy couldn't be convicted if all the accused co-conspirators had been acquitted or discharged under

circumstances amounting to an acquittal. Davis and Kaufman had not been acquitted. The government had simply dismissed the indictment against them because it had come to the end of the resources it was willing to commit to prosecution. The final obstacle to Fox's withdrawing his guilty plea was the guilty plea itself, which was legally equivalent to a proper conviction. Additionally, no judge was bound to honor any agreements made between lawyers.

Fox prepared for the worst. Aware that his family would be flummoxed to try to handle the matter alone, he wrapped up his six-year bankruptcy case, effecting an \$895,000 settlement with his creditors and being formally discharged from bankruptcy on July 27, 1942. By the fall of 1942, sixty-three-year-old Fox had exhausted all legal recourse. On November 16, 1942, he surrendered to the court in Philadelphia and was sent first to the county facility, Moyamensing Prison, in South Philadelphia. Four days later he was transferred to the federal penitentiary at Lewisburg, Pennsylvania.

Once a great leader of industry, Fox had become a social pariah. Once the boss of thousands of employees worldwide, he had lost the authority to determine even the course of his own days.

Prison

That which is past and gone is irrevocable.

—FRANCIS BACON, INSCRIPTION OVER A PORTAL AT THE NORTH EASTERN PENITENTIARY, LEWISBURG, PENNSYLVANIA

 $\mathbf{F}_{ ext{ox}}$ entered the Lewisburg federal penitentiary on November 20,

1942. Nothing is known for sure about his conduct there. The records from Lewisburg—officially known as the North Eastern Penitentiary, a redbrick compound on 1,014 acres of farmland in the Susquehanna Valley—give only dates, no details or comments. The scant remaining evidence indicates that he accepted his fate and tried to endure it with dignity.

A week after her husband's arrival at Lewisburg, Eva put their \$5 million art collection up for auction at the Kende Galleries in New York, with all the proceeds to be paid in war bonds. Although the sale had been announced about a month beforehand, and may have been an attempt to demonstrate Fox's patriotism and keep him a free man, it nevertheless went ahead while he was behind bars. Among some 126 paintings offered were works by Van Dyke, Gainsborough, Rubens, Murillo, Tintoretto, and Reynolds. Also for sale were all the furnishings from Fox's Park Avenue apartment and many from Fox Hall in Woodmere: one of the world's finest private collections of china, along with jewelry, a gold service, Venetian laces, Aubusson carpets, furniture, and tapestries. During scrap

metal collection drives for the war effort, the family contributed some sixty tons, including two Rolls-Royces, one Hispano-Suiza, a truck, and four thousand feet of ornamental fence from Fox Hall. This was the better side of Fox's character: the refusal to be broken by circumstances, the determination to demonstrate a higher spirit.

Certainly prison was a humbling experience. Every day, Fox would have worn the inmate's standard blue denim uniform and eaten starchy meals in the mess hall, seated on a wooden bench alongside other convicts at a long wooden table, and drinking from an aluminum cup. To fulfill Lewisburg's requirement of eight hours' work per day, he must have had some kind of job. Probably it was nothing strenuous. Six weeks into his sentence, on January 1, 1943, he turned sixty-four, and his diabetes remained serious. Perhaps he tended to the dairy cows and chickens on one of the prison farms or worked in the tailor shop or did janitorial work. Or maybe he was assigned to the metal shop, where—true to the prison movie cliché—inmates made license plates along with, as part of the war effort, bomb fins and bomb racks.

His companions would have been a relatively tame lot. Among Lewisburg's fifteen hundred inmates, the tough customers were locked up in solitary confinement cells under maximum security, so those in circulation tended to be either West Virginia moonshiners and New York alcoholics or paper-pushing white-collar criminals: income tax dodgers, stock swindlers, embezzlers, draft objectors, and the like. Although Fox arrived too late to see either former federal judge Martin T. Manton, who ended his corruption-of-justice sentence there on October 13, 1941, or Moses Annenberg, the father of future TV Guide publisher Walter Annenberg, two other high-profile convicts remained. One was Howard C. Hopson, perpetrator of a \$20 million mail fraud scheme in connection with a midwestern based utility company. The other was Enoch "Nucky" Johnson, the former Republican boss of Atlantic City, serving time for income tax evasion on protection money squeezed from numbers-running racketeers.

Altogether, imprisonment wasn't as bad for Fox as it would have been twenty years before. Opened in 1932 in response to the prison reform movement that Fox had championed in his 1917 movie The Honor System, Lewisburg replaced the old, harshly punitive fortress philosophy of incarceration with the new idea of humane and rehabilitative treatment. Except for the twenty-one-foot-high wall surrounding the buildings, the watchtowers, the floodlights, and the bars on the inside of the windows, the Italian Renaissance-style facility reminded many of a university hall or a monastery. Prisoners could talk to one another at meals and play the radio in their cells until 9:00 p.m. Recreation facilities included an outdoor baseball diamond and a gymnasium for handball, basketball, weight lifting, and boxing. Prisoners of a more intellectual bent could patronize the excellent fourteen-thousand-volume library and peruse inspirational biographies of Helen Keller, Abraham Lincoln, and Michelangelo, or practical how-tos such as Rabbits for Food and Fur. Such amenities, some observers grumbled, made Lewisburg tantamount to a country club.

Having caused no trouble, Fox became eligible for parole on March 16, 1943, and was released on May 3 after serving five months and seventeen days of his year-and-a-day sentence. He left quietly, wearing a seasonal suit issued by the prison. Eva and Belle collected him in their chauffeur-driven Rolls-Royce and took him back to Fox Hall. For the rest of his life, even among close family members, he never spoke about Lewisburg.

PART V

ACCEPTANCE

1943-1952

Exile

Back home at Fox Hall with Eva, their two daughters, and two grandsons, Fox had to face reality. At sixty-four, he was a has-been, an ex-convict. He would have to learn to be someone other than the person he had always wanted to be.

No one offered him a helping hand back into the movie industry. None of his former colleagues—and there had been many who genuinely liked and admired him—phoned or stopped by for a visit to ask his advice, even if just for old times' sake. Everyone knew how proud William Fox was. It would have been impossible to ignore the events of the past thirteen years.

"When you look at me you see my father. He was my size. I am a counterpart of him," Fox had told Upton Sinclair in 1932. Now he became his father. He gave up on lofty ambition.

Quietly, Fox set about rebuilding his life. As he had during the early years of his career, he worked with the resources at hand. After his release from prison, he immediately resumed his role as general manager of the Glendale, California–based Mitchell Camera Company, which he had retrieved some years earlier from the wreckage of the Fox companies. Now owned entirely by the Fox family, Mitchell Camera had, since Pearl Harbor, devoted itself to making special motion picture cameras for the U.S. military. Fox personally handled the government contracts and, according to

federal agents, tried to assist the war effort in every possible way. One proud achievement was Mitchell's development of high-speed shutters that made low-altitude photography possible. Used by the U.S. Army Air Forces to map attack routes, the invention allowed American troops to take Italy's Mount Maggiore and Mount Camino on November 28, 1943, with only one casualty—instead of the feared fifteen thousand deaths.

Briefly, the old dream flickered again. In the spring of 1944, Fox announced plans to start a new studio. It was going to be "the greatest of all motion picture companies," built from the ground up on a 1,500-acre plot of land he'd optioned on the outskirts of Los Angeles. He was going to run it on revolutionary principles. The future Fox Pictures Corp.—or maybe it would be called the William Fox Studio—would be entirely owned by its directors, stars, writers, and cinematographers and by franchised exhibitors. No bankers would be involved at all. Fox was going to produce and distribute twenty-five or twenty-six features a year. He would hire the finest creative talent in the business.

He spent two months in Los Angeles making preparations. Then, in early April 1944, he greeted a succession of reporters at his newly leased New York office on the seventh floor of the Lefcourt Building on Fifth Avenue at Forty-Third Street. The lettering on the door read simply, "William Fox." The first room, a reception area, was almost completely empty. Next came a large room with several beat-up looking desks and tables, but no telephones or typewriters. Finally, at the far end of the suite, occupying about one-third of the entire space, was Fox's private office. The first few press interviews took place in the middle room. After the *New York Times* reported the shabbiness of the furnishings, with Fox using "a battered telephone table" as a desk, he took visitors to the office area, outfitted with several padded leather chairs and "a very new mahogany desk."

Other than Fox, the company so far had only three employees: Herbert Leitstein, Fox's longtime bookkeeper; Fox's young relative Teddy Altman, who had previously managed the parking lot Fox owned behind the Roxy Theatre; and auditor Joseph Hart.

Reporters described Fox as looking "remarkably fit and vigorous" and considerably younger than his sixty-five years. "I feel better now than when I was forty," he boasted. The years he'd been out of the business didn't matter. "I started with nothing and I'm not afraid to try again . . . imagination and courage are still the essential elements for success." Yes, but what about all the chatter in Hollywood that said it would be impossible for anyone to start a major new studio at that point in the industry's history? The old Fox confidence, or the ghost of it, rose to answer: "I have never been more serious about anything in my life. Those who are betting I won't do it will lose.

"Perhaps I am dreaming," he allowed.

He was dreaming. His plans were always just about to happen, but they never did. He never bought the 1,500-acre proposed studio site, the exact location of which he never divulged, and he never signed any creative talent or executives or exhibitors. He evidently never even filed incorporation papers. After about fifteen months, the mirage of a comeback dissolved. Fox stopped talking about it, and the press stopped asking.

His mother had been right. The past was a wall against one's back. No matter how strong the yearning, one could not return.

It wasn't only that Fox lacked the stamina to start over. By the mid-1940s, the motion picture industry was transferring into the hands of a new generation, one that wanted a more polished and professional image. Although some rough-hewn old-timers held on —Zukor at Paramount, Mayer at M-G-M, and the Warner brothers—those not agile enough to adapt or tough enough to fight for their professional lives risked extinction. With their old-fashioned tastes and methods, they looked increasingly like expensive nuisances.

That was the fate of the two top production executives who had worked under Fox. In March 1944, Twentieth Century–Fox chairman Joe Schenck decided to get rid of Sol Wurtzel, who had

run the Western Avenue studio since 1917. "He [Wurtzel] has not been doing any work and he costs us a lot of money at the studio," Schenck grumbled in an interoffice memo, noting that in 1942 and 1943, Wurtzel had spent \$428,000 on writing projects that upper management subsequently rejected. "The only trouble is that the parade has passed him by."

Wurtzel's employment contract was terminated on May 15, 1944. Acknowledging that Wurtzel had been "honest and loyal" to the company for more than twenty-five years, Schenck felt bad about the dismissal, probably about as bad as it was possible to feel without changing his mind. To "give Sol a break," Schenck had the termination agreement provide that the studio might hire Wurtzel as a consultant or adviser. No one ever called on him in either capacity. Later, realizing that they did actually need the low-budget B movies at which Wurtzel excelled, Twentieth Century–Fox agreed to help finance Wurtzel Productions in exchange for distribution rights. Wurtzel, however, had to make all his movies off the lot.

Worse was the degradation of Winnie Sheehan. After resigning as vice president of production following the 1935 Twentieth Century–Fox merger, Sheehan married Czech-born opera singer Maria Jeritza, went on a two-month honeymoon to Europe, and returned to find no studio interested in hiring him. Ultimately, he produced only two movies independently, and neither did well: *Florian* (1940), for M-G-M, about a white Lipizzaner stallion whose story mirrors that of the Austrian Empire, and *Captain Eddie* (1945), for Twentieth Century–Fox, about heroic World War I fighter pilot Eddie Rickenbacker. Bitter because he had never again held the same power that he'd had under Fox, Sheehan was frequently ill with an unspecified abdominal illness. On July 25, 1945, he died at Hollywood Hospital at age sixty-one. He and Fox had never reconciled.

The habits of a lifetime saved Fox from redundancy and despair. He had always worked. Once he let go of the idea to start a new motion picture studio, he devoted all his energy to Mitchell Camera,

spending about three months of each year in Southern California to oversee the transition from war work back to commercial manufacturing. As the supplier of 85 percent of the world's motion picture cameras, with more than six hundred employees at its six-acre plant in Glendale, Mitchell Camera had a large backlog of movie studio orders.

He was still fascinated by motion picture technology. George Mitchell, the self-taught inventor who had sold out his interest in the company to Harley Clarke but whom Fox had brought back as a consulting engineer, recalled, "He used to sit in my office and just watch me. It would just drive me nuts. You know, a guy sitting there, and you're trying to do something. And every move you make, he was watching to see what you're doing."

They became friends. "Mr. Fox, he was a funny man, but I liked him very much," said Mitchell. "He was always kidding me, saying, 'Mitchell, you're not a businessman and you'll never be a businessman." Mitchell would reply, "As long as you're around, Mr. Fox, I'm all right." Mitchell later reflected, "They say he was a man mad for money, but that wasn't really true."

Fox also busied himself with his investments and with buying and selling real estate around the country. It was a muted life, distant from the power in which he had once reveled. Months after his release from prison, the press reported him as dead.

Yet Fox didn't want to go back to believing in the kind of illusions that would have been necessary to reach again for glory. In May 1945 he wrote to his teenage niece Angela Fox Dunn, "I am not so sure that 'ignorance is bliss,' nor am I sure that '[i]t is folly to be wise,' even though it has been quoted many times . . . I rather like the proverb, 'One is never too old to learn,' and that goes from the cradle to the last sleep. When one thinks he is too wise, it might be that he does so in ignorance. Such ignorance, and only such ignorance, is bliss. I would prefer to commit the folly of being wise than be contented with being ignorant, to enjoy the bliss."

Among his family, Fox could still be the great patriarchal

benefactor. With his wife and daughters, the only people who really knew him, the bond was one of great love. With all other relatives, money stood in for emotions he couldn't express directly.

Angela Fox Dunn, who lived with her mother, Malvina, in Los Angeles, recalled the drama that invariably surrounded Fox's visits to the West Coast. Every year, the telegram, sent by Fox's accountant Herbert Leitstein, arrived at their home a month in advance. Typically, it read, "Dear Malvina—W.F. arriving West coast early November—Will call you—Sends his love to you and the children." Malvina always sighed with relief as she read the telegram. Then, absorbing its meaning, her hand began to shake and she went "into her usual panic."

On the one hand, the news of her adored older brother's trip west meant that Malvina was still in favor with him. Angela said, "Uncle Bill paid for everything—our homes, our food, our servants, all our needs—but no one ever saw the money. If my mother wanted a new fur coat, Uncle Bill would fly her to New York, meet her at the furrier's, select the coat himself, charge it to his account, and fly her home." Fox had also arranged jobs for Malvina as an acting coach at Warner Bros. and, beginning in December 1948, at Twentieth Century–Fox where she believed he was secretly paying her \$150-a-week salary. On the other hand, because Fox paid for everything, the family's survival depended on maintaining favor with him.

After Fox's telegram arrived, frantic preparations began. First, they had to buy some trinket to appease Eva. Then Malvina had to hunt for her shoeboxes crammed with the canceled checks, receipts, and invoices that Fox would expect to see. "They all had to be found, every single one of them," said Angela. "The contents had to be spread out on the living room rug, sorted, and stacked in piles." While Malvina shuffled papers and fretted about missing items —"Your report card, where is it? W.F. will ask to see it!"—she began to worry about whom to inform when. Some people had to be told right away. Some people could wait a week. Motion picture people should never be told at all. But who belonged in which category? Malvina didn't know, but she couldn't ask because the

fact that Fox hadn't told her meant that she was supposed to know. "Then, of course, we feared for his safety for the whole four weeks." What if his plane crashed?

Because there was so much at stake, tension permeated the visits to Fox's suite at the Ambassador Hotel. "We took the chance of being cut off economically every time we opened our mouths," said Dunn. While Fox, "hospital pale," sat in a chair puffing a cigar, "I huddled on the floor at his feet, and Mother, sitting close to him and usually holding his hand, perspired a lot. The conversation ran from his failing health to my schoolwork to Mother's expenditures and finally to the reminiscences I loved to hear.

"He could go on and on, topping one tale after another, for more than an hour if Aunt Eva didn't stop him. She would put her hand on his shoulder and suggest a meal. But we never went out to a restaurant or even down to the hotel dining room. Instead, Uncle Bill called for room service, and a shaky waiter wheeled in a tray of food."

Throughout the visits, Fox rarely showed any sign of warmth in his face. Instead, he expressed affection primarily through lavish spending. At the little shops at the Ambassador Hotel, he bought armloads of clothes for his sister and niece. Dunn recalled, "Coats, dresses, suits, shoes, nightgowns, slippers, whatever caught his eye —we rarely tried anything on. He counted out bills from the huge roll of cash to pay the bill, and we carried out our packages, uncertain about what exactly he had bought us. It was always a surprise to come home and open the packages."

Major purchases were conducted just as hastily. Once, when Eva was out of the room, Malvina ventured, "Would it be possible, Brother Bill, to trade in the Packard on a new one?" Fox immediately called a cab. Dunn said, "The three of us went to the first dealer we could find on Wilshire Boulevard. Uncle Bill looked over the showroom and quickly selected a blue car, one to match Mother's eyes. 'Do you like it, Mal?' he asked. Mother was speechless, but there was nothing to discuss anyway. Uncle Bill had made his decision, and we never even sat in the car, much less drove it around the block, before he had paid cash on the spot and

ordered it delivered to our home. The whole transaction didn't take more than fifteen minutes."

Although he had bought and furnished the homes that Malvina's family lived in, Fox never came to see them. Once, he did leave the Ambassador Hotel to inspect a small playhouse that he had rented so that Malvina, who had given up her acting ambitions because he disapproved, could run a drama school. Briefly, he was his former self again. Dunn recalled, "He had ordered the curtain, the chairs, and the carpeting himself, and he thoroughly inspected everything, tested the seats for comfort, and ran the curtain up and down from a little booth in the balcony."

Malvina and her daughter's visits ended when Fox needed to lie down. Dunn recalled, "Fatigue began to show in the sad face. He would walk us to the elevator while Aunt Eva remained in the suite and just before we parted, he would press a folded hundred dollar bill into my hand with the stern instruction, 'Don't call and thank me!'"

Even with his two grandsons, money stood in for a personal connection. George Mitchell recalled, "I was walking with W.F. out at Fox Hall on Long Island one day—you could walk for an hour and not see the whole place—and one of the grandsons approached us. I think it was the older one, but they were both called William Fox, William Fox II, and William Fox III. Never knew their father's names. Well, the boy must have been about twenty, and he just walks along. He doesn't do anything. All of a sudden W.F. stops talking to me, and he glares at the kid.

"'Bill, you're forgetting something,' he says, pointing to his cheek. Finally the boy walks over and gives his grandfather a peck on the cheek. And I see W.F. slip his hand into Bill's coat and leave a hundred dollar bill in there. That was for the kiss."

In casual social encounters, Fox used money to distinguish himself. Mitchell said, "He took me to the racetrack one time, and he had a whole pocketful of hundred dollar bills. He wouldn't go up and take his seat in the grandstand. He stayed down in the paddock, talking to the, you know, the roustabouts down there, asking which was a good bet, and passing out bills for the tips."

In exile, Fox found his way back to religious faith. In 1946, after an eleven-year absence, he and Eva rejoined Manhattan's Temple Emanu-El. They would remain members for life. His understanding of God had changed, though. He no longer believed in an all-powerful being actively involved in human affairs, guiding and protecting the righteous. Instead, he had come to view God's plans and purposes as, finally, opaque and unknowable. It was best to accept that. His niece Angela once asked how he could still worship a God who had let his enemies win. He replied with a story about a child who boasts to a friend that God has answered his prayers for a bicycle, a pony, and roller skates. "Well, so where is the bicycle, where is the pony, and where are the roller skates?" the friend demanded. The first child said, "The answer was 'No!"

As another step toward rehabilitation, in late 1946, Fox applied for a presidential pardon. He wanted, he said, to restore his place among his fellow men and to regain a secure and honorable position for his family.

Following standard procedure, FBI agents investigated Fox's behavior since his release from prison and heard only positive reports. Colleagues at Mitchell Camera described hardworking, a "dynamo," and unlike most others in the film business—that is, as having "the highest type of morals." The assistant manager of the Marguery Hotel and Apartments at 270 Park Avenue, where the Fox family had lived for more than twenty years, said they were excellent tenants who had never caused trouble, always paid the rent promptly, and behaved very courteously. A neighbor in Woodmere said that during the nineteen years she'd lived there, she'd never heard any derogatory gossip about the Fox family. Neither had the Fox Hall caretaker, an employee of twenty-four years, who was interviewed under a pretext so he would speak freely. Former New York governor Herbert H. Lehman submitted a character affidavit, describing Fox as a straightforward, patriotic family man who thoroughly deserved restoration of his rights.

Even Gerald A. Gleeson, the U.S. attorney who had initially opposed Fox's attempt to withdraw his guilty plea and stand trial

after the dismissal of charges against Davis and Kaufman, went out of his way to help. Gleeson wrote a three-page letter to the Justice Department's pardon attorney on behalf of Fox. He also tried to get Judge Guy K. Bard, who had sentenced Fox to prison, to write a supportive letter. Bard refused, but at least he did not oppose Fox's application.

One potential snag occurred. A presidential pardon, which is a sign of forgiveness but not vindication, usually requires that the applicant accept responsibility and show remorse for the crime. Fox, however, still insisted that his \$27,500 payment to Judge Davis had been a loan rather than a bribe.

The government overlooked this irregularity. After all, Fox had never gotten anything back for testifying against Davis and Kaufman, even though he had been in poor health and the process had exposed him to vicious personal attacks. Although Davis and Kaufman weren't convicted, Fox's information had enabled the Justice Department to have the two removed from positions of legal influence and, in Davis's case, from the public payroll.

On August 18, 1947, President Truman granted Fox a full and unconditional pardon.

Yet Fox could not forget the past. He was not at peace. Angela Fox Dunn recalled, "He was restless, tense, odd-tempered, emotional, explosive. He could be pensive and sad for long periods as we sat with him, then suddenly stirred to brief outbursts of demonstrative affection. Abruptly, he would break the silent meditation, bestowing a quick kiss or patting mother's hand with a 'God bless you' or 'Be in good health, dear.' It was impossible to tell if he was pleased with what we said because he never smiled."

Secretly, he drank. Hidden in the hotel bathroom's medicine chest was a bottle of Teacher's Scotch.

Fox's inner turmoil affected everyone in the family. More than ever, Eva became her husband's protector. With her short gray hair cut in "a rather mannish style, well-groomed but no beauty salon glamour," she usually wore beige pants and a silk shirt, never a

dress, and stood stiffly behind Fox's chair or paced the suite during the Ambassador Hotel visits from relatives. As much as ever, she disapproved of his hand-outs to members of his birth family. That was the reason that the shopping expeditions for Malvina and Angela took place without her and the reason that Fox's hundred-dollar bills had to be folded up and passed quickly during good-byes at the elevator door. When Eva didn't accompany Fox on trips to California, he called her every night.

Later generations paid a high price for Fox's psychological wounds. Mona and Belle, in their mid- to late forties, still lived with their parents and had few outside social contacts. Neither had remarried since their divorces during the 1930s, Mona's from her second husband, diamond merchant Joseph Riskin, and Belle's from her only husband, Milton J. Schwartz. Neither had any sort of a career, Belle never having pursued one and Mona having abandoned her half-hearted jewelry designing effort. Fox and Eva made no attempt to nudge their daughters from the nest. Perhaps it would have seemed heartless, when there was no practical reason, to push them out into a world that they knew could be irrational and spitefully cruel.

Yet they were intelligent women, still in the prime of life. Their energy had to go somewhere. Belle's muscle disorder, which appears to have started sometime in the early 1930s, when her marriage was dissolving and Fox was losing his companies, became a major preoccupation. She began using a wheelchair—Malvina Fox Dunn always believed there was nothing physically wrong with her legs—and spent much of her time seeking a cure. For a while, she staked her hopes on the controversial methods of Sister Elizabeth Kenny, the Australian nurse who pioneered the field of rehabilitation medicine by using heat packs and gentle exercise to treat polio victims. In early 1946, Belle (accompanied by Mona, who didn't need treatment) went to the Sister Kenny Institute in Minneapolis to stay for several months.

Right away the Fox daughters made themselves "very much beloved" by the institute's staff and "fit in nicely" despite living conditions considerably less luxurious than their usual standard. Belle made remarkable progress. As Sister Kenny wrote to Fox after only six weeks, "many muscles that were apparently non-functioning have been restored to a certain degree of functionability, which is most encouraging."

Across the distance, Fox and Eva couldn't let go. Every night, they phoned. After nearly two months, it was clear that the interference was impeding progress. The institute's chief therapist, Valerie Harvey, explained in a letter to Fox, "Miss Fox is very easily worked up to a state of tension and just the fact of expecting a call every night is enough to excite her condition." Fox and Eva agreed to scale back the phone calls to twice a week, but a massive outbreak of polio in Minnesota in the summer of 1946 caused the "girls" to return to Fox Hall before Belle had completed her treatment. At home, she regressed. They hoped to return once the epidemic ended, Mona and Belle wrote to Kenny. They loved her, "dearest wonderful one," and missed her "beautiful face" and "sweet voice." They never did return. However, for years they sent gifts to Kenny and appeared with her at events to promote acceptance of her methods and to try to start a worldwide chain of Kenny clinics.

Did Fox and Eva need their daughters too much to allow them their freedom? Was the point not to find a cure but to keep looking for one together? Their daughters' lives gave order to their own. Eva wrote to family friend Albert M. Greenfield, "The years would slip away unnoticed if it weren't for our children growing up about us." By 1950, Fox was investigating the possibility of sending Belle to the Institute for Muscle Research in Woods Hole, Massachusetts, which was headed by Dr. Albert Szent-Györgyi, the Hungarian-born Nobel laureate who discovered vitamins C and P.

As Belle occupied center stage in the drama, older sister Mona faded into a supporting role. With her emotional nature and her once-pretty face disfigured by her 1932 car accident, she was, said Angela Fox Dunn, "just plain strange." Often she sat by a window at Fox Hall doing needlepoint.

The two Fox grandsons were similarly stunted. One of them—George Mitchell thought it was Mona's son, William T. Fox—tried

to escape, first by enlisting in the army. Mitchell said, "You know, they wouldn't take that kid in the service, not that W.F. would have let him go. He had these spells all the time. He went up to Boston and bought a major's uniform and put it on, and went parading around in the street having a good time impersonating Major Somebody. And they picked him up, and Mr. Fox had to go get him and straighten him around again. Then he went down to New Orleans and did the same thing. He was a little bit off some place. Neither of those boys ever amounted to anything." The other young William Fox, Belle's son, had cerebral palsy. He enrolled at New York University but, despite the Fox money, didn't last beyond a few semesters.

Elsewhere, the family was crumbling. Despite Fox's efforts to provide care and protection so that he could remain in society, his sensitive, intellectual, mentally ill brother, Maurice, had been institutionalized since the late 1930s, and it was unlikely he would ever get out. The last time Malvina had visited him, in 1939, he hadn't recognized her. Fox's other brother, the black sheep Aaron, remained estranged, as did Aaron's ex-wife, Alice, whom Fox had refused to support. Aaron and Alice's two children grew up hating Fox. Their son, yet another William Fox, changed his name one rainy night in Milwaukee in the mid-1940s while on leave from the army. Weary of the past, he stepped into a phone booth, opened the phone book at random, closed his eyes, and pointed three times. The third time, he came up with a last name he liked, one he would use for the rest of his life: Devereaux.

In Woodmere, Fox tried to keep up appearances. "Every holiday season the family would send a card with a photograph of Fox Hall on the cover, with the snowflakes falling on this imposing mansion," recalled Angela Fox Dunn. To look at the image, however, was to recall the whole tragic story and its morbid outcome. "It looked more like a Charles Addams drawing than the Hearst Castle."

Fade to Black

The end came slowly and ignominiously. In 1951, Fox suffered a stroke and spent most of the next year at Doctor's Hospital in Manhattan, often in critical condition. He died there on Thursday, May 8, 1952, at the age of seventy-three.

Suddenly, a flurry of interest swept him back into the public eye. Across the country, newspapers and trade publications ran detailed obituaries, and effusive praise poured forth from people who for years had done their best to ignore him. Sol Wurtzel, who had changed his phone number in 1937 to avoid speaking to Fox and who never had any further communication with him, told the Los Angeles Times, "He was a great man and a wonderful pioneer in the industry." Twentieth Century–Fox took out full-page ads in trade publications titled simply, "William Fox." They showed a drawing of a slump-shouldered man in a black suit and tie, holding a black hat at his side, his head cast down sadly. "Twentieth Century–Fox Film Corporation bows in grieving tribute to one of the outstanding pioneers of the industry," the text read. "Those who knew him best will long mourn his passing." Flower arrangements and letters and telegrams of condolence inundated the family.

Fox's wife and daughters buried him in a quiet private ceremony at Salem Fields Cemetery on Long Island. No one from the motion picture industry attended because no one from the motion picture industry was invited.

The family never really recovered. Eva Fox became a sort of

Miss Havisham, allowing Fox Hall and her final Manhattan home at 4 East Seventy-Fifth Street to fall into neglect—throughout were worn carpets, soiled draperies, damaged furniture, and chipped artworks—before her death in December 1962. Mona and Belle and their sons drifted to Switzerland and the Bahamas; none became involved in motion pictures. Fox's youngest sibling, Malvina, who died less than three months after he did, summed up their collective state of mind: "Brother Bill is gone. All is lost."

Fox died believing himself a failure. In the late 1920s, he had said, "The only thing worth while [sic] in this world, aside from the love of God and family, is honorable achievement. And to be entirely successful, in my opinion, a man must keep on achieving until the end." He hadn't done that. His motion picture career had lasted only twenty-five years and left him two more decades to go on without a purpose.

He had also failed to live up to his own standards of integrity. In 1932 he told Upton Sinclair that, at his funeral, he hoped the rabbi would say, "He wasn't a bad man. He lived a righteous life." But he later committed a serious crime for which he was imprisoned, and although Truman's pardon lessened the social stigma, nothing could erase the stain on his character.

What went wrong? If Fox wasn't—as film history has portrayed him—a coarse, greedy egotist, neither was he—as he tended to think of himself—entirely a victim of hostile, conspiratorial forces. While the facts do show that after the stock market crash, he was targeted by a financial alliance that forced him to relinquish his companies, he had made himself vulnerable. He had misunderstood history. He had seen himself as a heroic captain of industry and believed that because he'd been able to build his empire in sole command, he would be able to hold on to it even while Wall Street finance capitalism increasingly subsumed the nation's entrepreneurial functions. He would not share the power he had worked so hard to earn. He didn't believe he would be required to. He had believed

that the ruling elite would enforce a code of fair play—that following the stock market crash, bankers would lend money to help his profitable companies weather the crisis; then, that the courts would shut down the underhanded receivership lawsuits; and finally, at the very least, after he sold out, that Harley Clarke and the Chase Bank would let him have a hand in running the Fox companies rather than allow them to go to ruin. He had believed in a vision of America that was never as true as he'd wanted it to be.

He had seen plenty of evidence, dating back to the 1901 McKinley assassination, of the flaws in the system. He had chosen to ignore it. He wanted too much to love his adopted country.

It might not have been the wrong choice. Had he not believed as ardently as he did, he might never have accomplished all that he did.

Of course, Fox's life wasn't a failure. The thriving existence of the studio testifies to that. So, too, do Fox's less immediately visible achievements: instigating and championing the legal action to dismantle the Motion Picture Patents Company, which laid the foundation for the Hollywood studio system; the creation of the movies' first brand-name sex symbol, Theda Bara; pioneering the Hollywood's foreign leading development of markets; commercial development of sound-on-film, which ensured a rapid transition to talking pictures; the countless creative careers he encouraged; and his many heartfelt, soaringly ambitious movies whose influence shaped the contours of the emerging art formamong them, A Daughter of the Gods, Cleopatra, A Tale of Two Cities, The Iron Horse, What Price Glory, 7th Heaven, and Sunrise. No one in his generation, or arguably thereafter, matched him in the breadth and depth of his contributions to the motion picture industry. If the title can be given to anyone, it belongs to William Fox: the man who made the movies.

So many people contributed significantly to this book and I am

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- Oral Histories: Philip Dunne; Sam Jaffe; Sol Lesser; Eugene Zukor
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- **Museum of Modern Art,** Film Study Center, New York City: Katherine Hilliker/Harry Caldwell Jr. papers; Joel Swensen papers

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New York County Supreme Court, Civil Branch, Court Records, 60 Centre Street

New York Public Library:

- Manuscripts and Archives Division: Rosika Schwimmer papers; National Board of Review of Motion Pictures records
- New York Sun newspaper morgue files
- Performing Arts branch, Billy Rose Theatre Division

Newark Public Library, Newark NJ: *Newark Evening News* clipping morgue

Owen D. Young Library, St. Lawrence University, Canton, NY: Owen D. Young collection, Special Collections, MSS 087 Seaver Center for Western History Research, Natural History Museum of Los Angeles County

Temple Urban Archives, Temple University, Philadelphia **UCLA:**

- Charles E. Young Research Library, Special Collections: Motion Picture Patents Company Trial Records; Victor Mansfield Shapiro papers
- Film & Television Archive

Warner Bros. Archives, School of Cinematic Arts, University of Southern California

YIVO Institute for Jewish Research, New York City

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NOTES

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ABBREVIATIONS

Afgela Fox Dunn Papers, author's collection.

AFIerican Film Institute, Center for Advanced Film Studies, Los Angeles, CA

AMCt M. Greenfield Papers, Historical Society of Pennsylvania, Philadelphia, PA

Afaconda Standard (Anaconda, MT)

AMErican Tri-Ergon Corporation and Tri-Ergon Holding, A.G. v.

APTona Publix Theatres, Inc., Equity No. 971, United States District Court, Middle District of Pennsylvania. National Archives and Records Administration, Philadelphia.

Btotklyn Daily Eagle

BRIoklyn Public Library, Brooklyn Collection **BC**

CGOHAia Center for Oral History Archives, Rare Book & Manuscript Library, Columbia University, New York City **Chit**ago Daily Tribune

CEMPes Evans Hughes Papers, Library of Congress, Manuscript Division

DABP A. Brown Papers, Jacob Rader Marcus Center of the American Jewish Archives, Cincinnati, OH

EXPIPE Circuit Company v. Union Theatres Company, Sullivan and **WAKE**, and William Fox, United States Circuit Court, Southern District of New York, In Equity, 1908. NARA-NYC.

EXRbitors Daily Review

ECeene, E. MSS, Lilly Library Manuscript Collections, Indiana **MSS** ersity, Bloomington

Ethibitors Herald and Moving Picture World

MPW

Exhibitors Herald-World

EKPabeth Kenny Papers, Minnesota Historical Society Library, St. Paul. MN

EXIMbitors Trade Review

Federal Communications Commission "Report on Electrical **RRPe**hrch Products Inc.," January 30, 1937

Fibm Daily

For, Alice v. Fox, Aaron. Case 14518, Municipal Court of the City of New York, Borough of Manhattan, Third District, 1932
Fox:Film Corporation v. Herbert Brenon Film Corporation, Herbert
HBHOn, and Lewis J. Selznick, Case 29168, 1916. Supreme Court,
New York County. County Clerk Records, 60 Centre Street,
NYC.

FMC Legal Collection, Twentieth Century Fox, Los Angeles, CA **FMWP**. Warburg Papers, Jacob Rader Marcus Center of the American Jewish Archives, Cincinnati, OH

Fisch Study Center, Museum of Modern Art, New York City
Herbert Brenon Papers, Frances Howard Goldwyn—Hollywood
Regional branch, Los Angeles Public Library

HCCker-Caldwell Collection, Film Study Center, MoMA, NYC **HEFB**ert Hoover Papers, Herbert Hoover Presidential Library and Museum, West Branch, IA

Harrison's Reports

Han ard Theatre Collection, Houghton Library, Harvard University, Cambridge, MA

JEPn Ford Papers, Lilly Library, Indiana University, Bloomington

JoRP J. Raskob Papers, Hagley Museum and Library, Wilmington, DE

JESS L. Lasky papers, Margaret Herrick Library, Academy of Motion Picture Arts and Sciences, Beverly Hills, CA

JSMRH of the Society of Motion Picture Engineers

JSMPME f the Society of Motion Picture and Television Engineers **JSP** Swensen Papers, Film Study Center, Museum of Modern Art, NYC

LASTAngeles Times

Libeary of Congress, Manuscript Division

MSS

Matgaret Herrick Library, Academy of Motion Picture Arts and Sciences, Beverly Hills, CA

Moning Oregonian, (Portland, OR)

MPDon Picture Daily

MPHon Picture Herald

MPth bn Picture News

MPW Picture World

NapacsPof the NAACP, Library of Congress, Washington, DC **NatRoh**al Archives and Records Administration, New York City **NYC**

NATRONal Archives and Records Administration, Philadelphia **PHL**

NERonal Board of Review of Motion Pictures Records, Manuscripts and Archives Division, New York Public Library **NEW**ark Evening News

NMANY-M. Woodrow v. Fox Film Corporation, United States **DEC**rict Court, Southern District of New York, Equity, 1925. NARA-NYC

NYCMArk City Municipal Archives

NEWT York Times

NWTKork Tribune

ODYP D. Young Papers, St. Lawrence University, Canton, NY **PEB** adelphia Evening Bulletin

Philadelphia Inquirer

R6#ka Schwimmer Papers, Manuscripts and Archives Division, New York Public Library

SDAC Dryden Kuser v. Fox Film Corporation, 1930, E51-369.

EFFCted States District Court, Southern District of New York.

NARA-NYC

SERH Exchange Practices Hearings, U.S. Senate 1932–1933, https://fraser.stlouisfed.org/title/87

SEC Francisco Chronicle

SMAfing Minutes of the Special Meeting of the Stockholders of Fox Film Corporation, March 5–6, 1930. File 15, Box 25, Sinclair MSS Series III, Lilly Library, Indiana University, Bloomington

SMWP Wurtzel Papers, Margaret Herrick Library, Beverly Hills,

SLIPuel Untermyer Papers, Jacob Rader Marcus Center of the American Jewish Archives, Cincinnati, OH

TAMP as A. Edison Papers, Microfilm Edition, Rutgers University Library, New Brunswick, NJ

Transcript of William Fox interview with Upton Sinclair, Box 24, Sinclair MSS, Series III, Lilly Library, Indiana University, Bloomington

UBiDK States v. J. Warren Davis and Morgan S. Kaufman, No. 8969, 1941, United States District Court for the Eastern District of Pennsylvania. National Archives and Records Administration, Philadelphia, PA

USited States v. J. Warren Davis, Morgan S. Kaufman, and William **PKF** 1941, No. 8969, 1941, United States District Court for the Eastern District of Pennsylvania. National Archives and Records Administration, Philadelphia, PA

Sisclair Manuscripts, Manuscripts Collections, Lilly Library, **MdS**ana University, Bloomington

Ushed States of America v. Motion Picture Patents Co. et al., **NEPPC**d, Volume I, http://archive.org/stream/

indistrictcourto01moti#page/n5/mode/2up; Volume II, http://archive.org/stream/indistrictcourto02moti#page/n7/mode/2up **UfRWE**inclair, *Upton Sinclair Presents William Fox* (Los Angeles: Upton Sinclair, 1933)

VIMSP Mansfield Shapiro Papers, UCLA Special Collections, Los Angeles

Whaer Bros. Archives, University of Southern California, Los Angeles

WHEan Wurtzel Semenov and Carla Winter, eds., *William Fox,* **SMW**. Wurtzel, and the Early Fox Film Corporation: Letters 1917–1923 (Jefferson, NC: McFarland, 2001)

WHIPHays Papers, Cinema History Microfilm Series, Douglas Gomery, ed. (Frederick, MD: University Publications of America, 1986)

WPshington Post

W&U Street Journal

PROLOGUE: "THE BIGGEST DEAL IN MOTION PICTURE HISTORY"

- **1 sunny, unusually warm**: "Warm Day Fills Resorts," *NYT*, Mar. 4, 1929, 23.
- 1 Roxy Theatre: "Fox Crowns Self Film King, Admits Acquiring Loew's," *New York World*, Mar. 4, 1929, 17.
- **1 Fiftieth Street and Seventh Avenue**: Mordaunt Hall, "New Roxy Theatre Has Gala Opening," *NYT*, Mar. 12, 1927, 1.
- **1 "Cathedral of the Motion Picture"**: "New Roxy Theatre Purchased by Fox," *NYT*, Mar. 26, 1927, 1.
- 1 5,920 seats: Bill Savoy, who had architectural plans for the Roxy, says that the original seat count was 6,214, but that the plans were revised. Because publicity had already gone out, Roxy promoters still cited a figure above 6,000, and rationalized that there were that many seats if one counted furniture in the lounges and public spaces. Bill Savoy e-mail to author, Dec. 8, 2013.
- 1 **city of twenty-five thousand**: Maurice Kann, "A House Built on Merit," *Film Daily–Roxy Section*, Mar. 13, 1927, 26.
- **1 fifth floor . . . grand piano**: Edwin C. Hill, "William Fox Reminisces," *American Hebrew*, Mar. 15, 1929, 648.
- **1 private screening room**: Bill Savoy e-mail to the author, Mar. 9, 2017.
- **2 hats and coats . . . refreshments**: Peter Vischer, "Broadway," *Exhibitors Herald-World*, Mar. 16, 1929, 28.
- 2 "Fox Buys Loew's": "Fox Buys Loew's, M-G-M," FD, Feb. 28, 1929, 1.
- **2 175-house**: "175 Loew Houses in 21 States Swell Fox Holdings Up to 800," *FD*, Feb. 28, 1929, 1.
- **2 \$109 million and annual profits of \$8.6 million**: "New Moves Seen Forthcoming to Adjust Balance of Power," *FD*, Mar. 5, 1929, 10.
- 2 Class-A, high-capacity: "Year in Pictures," Variety, Jan. 4, 1928, 7.
- 2 first-run: "Fox's Loew Buy A Talk Riot," Variety, Mar. 6, 1929, 5.
- **2 Greta Garbo, Joan Crawford**: "Great Array of Talent United by Fox Deal," *FD*, Mar. 1, 1929, 2.
- **2 well liked and admired:** Hanford C. Judson, "Marcus Loew, a Real Showman" *MPW*, Oct. 6, 1917, 78; "Marcus Loew Dies

- Suddenly In Sleep at Glen Cove Estate," *MPN*, Sept. 16, 1927, 837; Issue dedication to Marcus Loew, *Variety*, Oct. 19, 1927, 2.
- **2 knocking aside Paramount**: "Loew's Control Passes to Fox," *WSJ*, Mar. 4, 1929, 1; "New Moves Seen Forthcoming to Adjust Balance of Power," *FD*, Mar. 5, 1929, 10.
- **2 eight hundred U.S. houses**: "175 Loew Houses in 21 States," *FD*, Feb. 28, 1929, 1; "William Fox Buys Control of Loew's," *WP*, Mar. 3, 1929, M8.
- **2 surpassing Paramount-Publix**: A. Raymond Gallo, "William Fox Has Largest Circuit," *Exhibitors Herald-World*, Mar. 16, 1929, 48.
- 2 largest movie theater circuit: Hill, "William Fox Reminisces," 648.
- **2 "no interest in acquiring"**: "'Lies' Is Comment of William Fox On Reported Loew's-M-G-M Deal," *FD*, Dec. 11, 1928, 1; "History of Fox-Loew-M-G-M Deal," *FD*, Feb. 28, 1929, 30.
- 2 rumors of his interest: KANN, "It's Like This," FD, Dec. 10, 1928, 1. The article refers to blind rumors about Fox's intended purchase of Loew's being printed in Film Daily on Nov. 22, 1928, and with Fox being named in the Nov. 25 issue. "Fox Buys Loew MGM Stock, Gains Control," New York American, Feb. 28, 1929, 1; "A Clean Beat," FD, Mar. 4, 1929, 1.
- **3 including the** *New York Times*: "Fox-Loew Merger Rumor," *NYT*, Feb. 28, 1929, 42.
- 3 "William Fox will make": Angela Fox Dunn interview with the author.
- **3** He hated to be interviewed: "William Fox Delights In Battles He Fights," *Daily Boston Globe*, July 21, 1929, A46.
- **3 front-runner**: "Warner-Loew," *Variety*, Feb. 27, 1929, 71; "Fox Move Surprises Coast as Warners Were Believed Set," *FD*, Mar. 1, 1929, 1; "Fox's Loew Buy A Talk Riot," 5.
- **3 \$200 million holding company**: "Fox's Loew Buy A Talk Riot," 10.
- **3 by late February, the Warners:** "Fox Buys Loew MGM Stock, Gains Control," 1.
- 3 bought heavily: "Fox's Loew Buy A Talk Riot," 10.
- **3 \$1,666 saved from garment industry**: Hill, "William Fox Reminisces," 648.
- **4 "The lone eagle"**: Maurice Kann, "Career Started on Way With Capital of \$1,666," *FD*, Feb. 28, 1929, 30.

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- **4 At five foot seven**: Angela Fox Dunn interview with the author.
- **4 1,334,453 outstanding shares**: "William Fox Buys Control of Loew's, Inc.," *NEN*, Mar. 2, 1929.
- **5 On February 27**: Richard V. Oulahan, "Hoover Expected to Name W. D. Mitchell, A Democrat, As His Attorney General," *NYT*, Feb. 27, 1929, 1.
- **5 market price of \$84**: "Financial," *FD*, Mar. 1, 1929, 2.
- **6 "a nut"**: "Called a 'Nut' When He Bought First House, Fox Shows 'Em How," *EH-W*, Mar. 9, 1929, 19.
- **6 "remedy for every ill"**: Greater N. Y. Film Rental Co. ad, *MPW*, May 18, 1907, 161.
- **6 2:00 p.m. . . . easy chairs** "Fox's Loew Buy A Talk Riot," 10; Hill, "William Fox Reminisces," 648. In his book, *The Greatest Fox of Them All* (New York: Lyle Stuart, Inc., 1969), former Fox Film publicist Glendon Allvine says the press conference took place at 4:00 p.m. Articles published days after the event agree on 2:00 p.m.
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- **6 "compelling force"**: Anzia Yezierska, *Red Ribbon on a White Horse* (New York: Charles Scribner's Sons, 1950), 86.
- **6 Bernstein, considered a financial genius**: Judson, "Marcus Loew, a Real Showman," 79.
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- **6 "All my savings . . . police reserves"**: Hill, "William Fox Reminisces," 648.
- **7 one-page, six paragraph**: "Fox's Loew Buy A Talk Riot," 10.
- 7 "Fox Theatres Corporation . . . screen entertainment": Ibid.
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- *Evening World*, Mar. 4, 1929), but the figure eventually settled at \$300 million. Amid the frenzied industrial growth of the late 1920s, it was difficult to tell what a company was worth.
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- **7 most powerful person**: Nelson B. Bell, "The Master Buyer Places Fifty Million on the Line," *WP*, Mar. 10, 1929, A2.
- 7 "vision," "energy," and "consummate courage"... "close at heart": "One Bold Stroke," EH-W, Mar. 9, 1929, 16.

CHAPTER 1: PROMISES

- 11 "You son of a bitch": Angela Fox Dunn interview with author.
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- 11 name was changed: Angela Fox Dunn interview with the author.
- 12 general merchandise store: Transcript, 1.
- **12 allowed Jewish children . . . clothing distinctions**: Charles H. O'Brien, "Ideas of Religious Toleration at the Time of Joseph II," *Transactions of the American Philosophical Society* 59, no. 7 (1969): 29–30.
- **12 "swift, and, to all appearances"**: Robert A. Kann, "Hungarian Jewry during Austria-Hungary's Constitutional Period (1867–1918)," *Jewish Social Studies* 7, no. 4 (Oct. 1945): 375.
- 12 "infinitely more favorable": Ibid.
- **12 Jacob, had been a money broker**: Angela Fox Dunn interview with the author.
- 12 hat cocked . . . walking stick: Ibid.
- 12 as a dentist: Transcript, 1.
- 12 "The patient would": Ibid.
- 12 good-humored girl: Angela Fox Dunn interview with the author.
- **13 less than five** *jochs*: Emil Lengyel, *Americans from Hungary* (Westport, CT: Greenwood Press, 1974), 101.
- 13 only 22 percent: Ibid., 101.
- 13 no land at all: Ibid., 102.
- **13 Known for . . . to accept**: Angela Fox Dunn interview with the author.
- 13 Europe's tent pole economy: John Maynard Keynes, *The Economic Consequences of the Peace* (New York: Harcourt, Brace and Howe, 1920), 16.

- 13 second language, Latin: Paul Lendvai, *The Hungarians: A Thousand Years of Victory in Defeat*, trans. Ann Major (Princeton, NJ: Princeton University Press, 2003), 174.
- **13 carrying a huge basket of fruit**: Angela Fox Dunn interview with the author.
- 14 As a young girl: Ibid.
- 14 The birth of their first child, Wilhelm: Fox claimed he was born on Jan. 1, 1879; however, Jewish birth records for Tolcsva indicate a son born to Michael and Hani (later Americanized as "Anna") Fuchs on Jan. 5, 1879. These records also recorded the child's name as "Wolf," possibly an error due to haste.
- 14 try to find his brother: Transcript, 2.
- 14 around 896: Lendvai, The Hungarians, 1.
- **14 Mongol invasion**: Ibid., 2.
- **14 slaughtered fifteen thousand Hungarian troops**: Ibid., 91. These were mainly foreign mercenaries, because the ruling powers feared the oppressed peasantry too much to maintain a well-trained, well-equipped army.
- **14 Hungarian nationalists . . . crush the upstarts**: Stephen Sisa, *The Spirit of Hungary* (Morristown, NJ: Vista Books, 1990), 146–56.
- 15 only they could hold office: Lendvai, The Hungarians, 192.
- 15 owning four-fifths . . . paying no taxes: Ibid., 192–93.
- 15 next to impossible: Lengyel, Americans from Hungary, 102.
- 15 system of entailed land: Ibid., 101, 102–3.
- 15 "from blind darkness": Ibid., 103.
- 15 55 percent . . . only 7 percent: Lendvai, The Hungarians, 193.
- 15 "I can read the stars": Sisa, The Spirit of Hungary, 134.
- ${\bf 16\ ``most\ for saken\ of\ all\ peoples''}: \ Lendvai,\ {\it The\ Hungarians},\ 2.$
- 16 an estimated 1.9 million: Lengyel, Americans from Hungary, 124.
- 16 entire villages: Ibid., 103.
- **16 stayed up all night**: Angela Fox Dunn interview with the author.
- 16 wagon or train trip . . . Hamburg, Germany: Robert Perlman, Bridging Three Worlds: Hungarian-Jewish Americans, 1848–1914 (Amherst: University of Massachusetts Press, 1991), 123.
- **16 Sentimental ties**: Lengyel, *Americans from Hungary*, 95.
- 16 left Anna the general store: Transcript, 2.
- **17 60,515 to 1.2 million**: www.census.gov/population/www/documentation/twps0027/tab03.txt; www.census.gov/

- population/www/documentation/twps0027/tab11.txt
- 17 smaller and smaller quarters: Jacob Riis, How the Other Half Lives: Studies Among the Tenements of New York (New York: Bedford Books of St. Martin's Press, 1996), 63.
- 17 "most densely populated district": Ibid., 65.
- 17 Stanton Street: Transcript, 2; USPWF, 15.
- 17 carry water up in buckets: Ibid.
- 17 pump in the yard: Transcript, 27.
- **17 small two-room . . . six boarders**: Riis, *How the Other Half Lives*, 129.
- 17 six or seven stories compared to the average of five: Ibid., 129.
- 17 as a machinist: Ibid., 2.
- 17 stove-blackening polish: Ibid., 3.
- **17 Will (as his mother called him):** Transcript, 28. Fox's father called him Bill.
- 18 never exceeded a thousand dollars . . . Ibid., 2.
- 18 "When I came home": USPWF, 18-19.
- **18 Michael never found him . . . "gave it up"**: Transcript, 2.
- 18 "The Eastern European": Lengyel, Americans from Hungary, 13.
- **18 journalist and historian**: https://clio.columbia.edu/catalog/4078360.
- **19 series of extramarital affairs**: Angela Fox Dunn interview with the author.
- 19 "All I remember of those early years": Ibid.
- **19 Typhus and smallpox ran rampant**: Riis, *How the Other Half Lives*, 131.
- **19 hospitalized as a charity case**: "Col. Wm. Fox Honored at Dinner," *MPW*, Mar. 9, 1918, 1348; "Friends Banquet William Fox," *MPN*, Mar. 9, 1918, 1418.
- 19 sewing slippers: Transcript, 6.
- 19 "did the worrying": Ibid., 19.
- 19 the Great Blizzard thwarted: Ibid., 3.
- **19 "Lozengers," the sweets . . . as long as the police**: Transcript, 3–4; *USPWF*, 4, 15–16.
- 20 ten to twelve dollars a week: Transcript, 4.
- 20 "I do not remember": Ibid., 3.
- **20 At age eight**: Ibid., 146.
- ${\bf 20}~he~fell~off\ldots$ entire elbow joint: Angela Fox Dunn interview with

- the author.
- **20 vertical pocket openings**: Mark Nichols, letter to the editor, *LAT*, June 5, 1978.
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CHAPTER 2: DESTINY

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- 21 In 1860, some 83 percent: Ibid., 4.
- **22 mileage multiplied more than fivefold:** William F. Micarelli, "Evolution of the United States Economic Censuses: The Nineteenth and Twentieth Centuries," *Government Information Quarterly* 15, no. 3 (1998) 342.
- **22 Jay Gould, who by 1882 . . . rational levels**: Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York City to 1898* (New York: Oxford University Press, 1999), 1042.
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- **22** Panic of 1873 launched five and a half years: Rendigs Fels, "American Business Cycles, 1865–79," *American Economic Review* 41, no. 3 (June 1951): 344.
- **22 the Long Depression**: Samuel Bernstein, "American Labor in the Long Depression, 1873–1878," *Science & Society* 20, no. 1 (Winter 1956): 61.
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- **23 lenient enforcement, narrow interpretation by judges**: Barck Jr. and Blake, *Since 1900*, 11.
- **23 slap-on-the-wrist penalties**: Myers, *History of the Great American Fortunes*, 697.
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- **23 American Sugar Refining . . . Sugar Trust**: Burrows and Wallace, *Gotham*, 1046.
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- **23** In 1916 the Final Report: Myers, *History of the Great American Fortunes*, 256.
- ${\bf 23}$ "largely the result either of the exploitation": Ibid., 703.
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- **24 W. Duke . . . North Carolina, to Manhattan**: Alfred D. Chandler, Jr. *Strategy and Structure* (Cambridge, MA and London, England: MIT Press, 1990), 27.
- **24** huge factory at First Avenue and Thirty-Eighth: Burrows and Wallace, *Gotham*, 1046.
- ${\bf 24\ three\ hundred\ buildings\ with\ nine\ or\ more\ stories}{:}\ {\bf Ibid.,\ 1050}.$

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- **24 Cornelius Vanderbilt's favorite son**: Myers, *History of the Great American Fortunes*, 333.
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- **25 "Two miles of millionaires":** "Two Miles of Millionaires," *Munsey's*, 348.
- **25** "He didn't want money": Angela Fox Dunn interview with the author.
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- 25 D. Cohen and Sons: Transcript, 5.
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- 26 seventeen . . . Dry Dock Engine Works : Henry Ford, My Life and

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Nancy L. Green, Ready-to-Wear and Ready-to-Work: A History of Industry and Immigrants in Paris and New York (Durham, NC: Duke University Press, 1997), 46.

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26 especially kind: Ibid.

26 foreman, overseeing twelve men and boys: USPWF, 17.

26 on the third floor: Ibid., 18.

26 eleven hours a day: Transcript, 7.

26 five hours on Saturday: Glendon Allvine, *The Greatest Fox of Them All* (New York: L. Stuart, 1969), 39.

26 half-hour lunch: Transcript, 5.

26 up a hatchway: Ibid., 31.

26 Poor ventilation . . . "tailor's disease": Green, *Ready-to-Wear*, 157.

26 eight dollars a week: Transcript, 31.

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27 water pump: Ibid., 27.

27 scrubbed the stairs: Ibid., 6.

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27 Michael Fox was an Orthodox Jew . . . make money: Angela Fox Dunn interview with the author.

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28 "a very stupid, ignorant man": Ibid., 25.

28 still bristling: USPWF, 17.

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- **20** "sacredness of property": Andrew Carnegie, "The Gospel of Wealth," *The North American Review* 183, no. 599 (Sept. 21, 1906): 529.
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- 29 arrived in two barges . . . on July 6: Ibid.
- **29 which side fired first**: Edward W. Bemis, "The Homestead Strike," *Journal of Political Economy* 2, no. 3 (June 1894): 381.
- **29 twelve hours later**: Steven M. Gillon, *10 Days That Unexpectedly Changed America* (New York: Three Rivers Press, 2006), 109.
- **29 ten workers and two Pinkerton guards**: Weiss, "Detective Agencies and Labour Discipline," 93.
- 29 "Never employ one": Gillon, 10 Days, 111.
- 29 Six days later: Cashman, America in the Gilded Age, 165.
- 30 By the end of July 1892: Ibid.
- 30 festering in sullen despondency: Hamlin Garland, "Homestead

- And Its Perilous Trades, Impressions of a Visit," *McClure's*, June 1894, 3.
- 30 "really serious quarrel": Carnegie, Autobiography, 228.
- 30 "outrageously wrong": Ibid., 232.
- 30 "I knew him very well": USPWF, 23.
- **30 wealthy Jewish parents . . . Curaçao**: L. Glen Seretan, *Daniel DeLeon: The Odyssey of an American Marxist* (Cambridge, MA: Harvard University Press, 1979), 5.
- 30 law degree at Columbia College . . . 1878: Ibid., 6.
- 30 lecturer at Columbia's School of Political Science: Ibid., 6.
- **30 quit the Columbia faculty in 1889 . . . professorship:** Ibid., 17.
- 30 "essentially genteel orientation": Ibid., 29.
- 30 nineteen novels by Eugène Sue: Ibid., 47.
- 30 "the determining force in his life": Ibid., 4.
- 31 "I was satisfied . . . hand to mouth": USPWF, 23.
- **31 Around age fifteen**: Transcript, 6.
- **31 G. Lippmann & Sons**: Ibid., 27; "Clothing Association Election," *NYT*, Apr. 13, 1905, 6.
- **31 an American District Telegraph messenger**: "Black Eye Nucleus of Great Fortune," *Duluth News Tribune*, Jan. 4, 1914, 10.
- 31 "I couldn't make as fine": USPWF, 23.
- 31 "Then it occurred": Ibid., 24.
- 31 falsely claiming . . . Leyden: Seretan, Daniel DeLeon, 12.
- 31 "hopeless, helpless grasping" "empty-headed, ominous": Daniel DeLeon, Translator's Preface to Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (New York, Berlin: Mondial, 2005), i.
- 32 "capital was what I needed": Transcript, 32.
- **32** "I can recall . . . shoes that way": Ibid., 31–32.
- 32 "During that period": Ibid., 32.
- **32 "As a kid of eleven or twelve"**: George Gerhard, "William Fox, Owning Largest Theatre Here, Began with Smallest," *Evening World*, Mar. 28, 1927.
- **32 bought one of the tickets**: Transcript, 9.
- **32 "I was warned time and again":** Gerhard, "William Fox, Owning Largest."
- **32 read Shakespeare, hiding in the aisles**: O. O. McIntyre, "William Fox—The Man and Artist," unpublished manuscript, 1–2.

- William Fox clipping file, FSC,
- 32 fellow ADT messenger: Transcript, 8.
- 32 Weber and Fields: Ibid., 7.
- 32 five or ten dollars: Ibid.
- **33 known as the German Politician**: Cliff Gordon ad, *Variety*, Apr. 21, 1906, 18.
- **33 Clarendon Hall on East Thirteenth Street**: Robert Grau, *The Business Man in the Amusement World* (New York: Broadway Publishing Co., 1910), 131.
- **33 "prime favorites"**: Robert Grau, *The Theatre of Science* (New York: Broadway Publishing Co., 1914), 20.
- **33 the worst act they'd ever seen**: "The Evolution of a Dutch Comedian," unidentified publication. NYPL, Performing Arts branch, William Fox file.
- 33 "Fox: Someone . . . offer?": USPWF, 21.
- **33 Bayonne, New Jersey . . . "went across"**: Transcript, 7–8.
- **33 prizefighter:** "How Fox Scenarios are Read and Judged," *Cleveland Plain Dealer*, Oct. 21, 1917, 48.
- **33** "When I got . . . black the other eye": Transcript, 7–8.
- **34** "purely to find out . . . appear in these shows": Ibid., 9.
- **34 stock of umbrellas**: Ibid., 7.
- **34 Admiral George Dewey's victory . . . disappeared into the crowd**: Ibid., 10–11.
- 34 "I want to say this": Ibid., 7.
- 35 "I couldn't think of anything mean": Ibid., 27.

CHAPTER 3: EVA

- **36 Frances Howard and cheated on her**: A. Scott Berg, *Goldwyn, A Biography* (New York: Alfred A. Knopf, 1989), 205.
- **36 Mayer, annoyed . . . improve her mood**: Neal Gabler, *An Empire of Their Own: How the Jews Invented Hollywood* (New York: Crown Publishers, 1988), 389–92, 398.
- 36 Jack Warner began stepping out: Ibid., 147–48.
- **36 abandoned her and their teenage son . . . Ann Page Alvarado:** Gabler, *An Empire of Their Own*, 148–49.
- **36 teenage son**: "Jack L. Warner Weds Mrs. Ann P. Alvarado," *NYT*, Jan. 11, 1936, 9.
- 36 delayed more than three years after Ann's divorce: "Jack L.

- Warner Weds," 9.
- **36 Cohn once sexually attacked . . . potential acting job**: Gabler, *An Empire of Their Own*, 246–47.
- 36 "You'll never work": Ibid., 247.
- 36 "very beautiful woman": Transcript, 11.
- **37** "**[D] uring the most trying periods**": David A. Brown letter to Judge Guy Bard, Apr. 9, 1941, 13, DABP.
- 37 costume party: Transcript, 11.
- 37 fourteen or fifteen: Ibid. Fox told Upton Sinclair that he and Eva met when he was fourteen and she was ten. This is impossible. Eva was born on Aug. 2, 1884, and Fox on Jan. 1, 1879, so either she was nine and he was fourteen, or she was ten and he was fifteen.
- 37 guests wore hired costumes: USPWF, 20.
- **38** "paid little attention" . . . out of the room: Transcript, 11.
- 38 "I had found the one": Ibid.
- **38 Boys became gamblers . . . "reign of terror"**: S. S. McClure, "The Tammanyizing of a Civilization," *McClure's Magazine*, Nov. 1909, 120.
- **39** "female wretchedness . . . bestiality": Ibid., 118.
- **39** "chief recruiting ground": George Kibbe Turner, "The Daughters of the Poor," *McClure's Magazine*, Nov. 1909, 54.
- 39 "unprotected young girls": Ibid.
- **39 as young as thirteen**: George Kibbe Turner, "Tammany's Control of New York by Professional Criminals," *McClure's Magazine*, June 1909, 122.
- 39 five brothers and sisters: USPWF, 27.
- **39 spoke German almost entirely**: Transcript, 5; Angela Fox Dunn interview with the author.
- **39 After five or six years**: Eva was born on Aug. 2, 1884 (Eva Fox, U.S. passport application, July 10, 1922, www.ancestry.com).
- **39 a box of good cigars**: Angela Fox Dunn interview with the author.
- **39 one cold winter night . . . Eva accepted**: *USPWF*, 27–28.
- **40 "a very fine public wedding"**: Transcript, 11.
- **40 from \$675 to \$325**: "A Story of William Fox: From the Melting Pot and Low Wages to Multi-Millionaire," Bulletin F-5, unpublished, Jul. 1916, 1. NYPL, *New York Sun* newspaper morgue files 1900–1950, "Fox, William #3" file.

- 40 eleven-dollar-a-month railroad apartment: *USPWF*, 47.
- 40 "my choice": Transcript, 11.
- **40 Anna protested**: Angela Fox Dunn interview with the author.
- 40 "Without any real evidence": Ibid.
- 40 Seventeen dollars a week: Transcript, 12.
- **40 cutting room**: Ibid., 10.
- **41 rarely found time to visit his mother**: Angela Fox Dunn, unpublished William Fox notes, no. 1, p. 21. AFD.
- **41 August 1900 . . . in his own name**: *A Story of William Fox*, Bulletin F-5.
- **41 Dissatisfied with his salary**: William Fox . . . Theatrical Magnate," Associated Press Sketch 1684.
- 41 Edward S. Rothchild: "William Fox . . . TheatricalMagnate,"
 Associated Press Sketch 1684, Jan. 1930, unpublished, BPL-BC,
 Brooklyn Daily Eagle morgue, "Fox, William (Movie Pictures
 Biogs.)" file (also in Newark Evening News morgue, Newark
 Public Library); "Chelsea Exchange Gains," NYT, Dec. 17, 1926,
 39.
- 41 Their company would serve: Transcript, 12.
- 42 piece of brown paper: Ibid., 13.
- **42 Benjamin S. Moss**: "Shot at Two, Killed Himself" *NYT*, Jan. 20, 1901, 2; "B. S. Moss, Active in Theatre World," *NYT*, Dec. 13, 1951, 33.
- **42** Knickerbocker Cloth Examining: Transcript, 12.
- **42 April 1900**: Ibid., 10.
- **42 Moss . . . the senior partner:** "Shot at Two," 2.
- 42 responsibility for soliciting business: Transcript, 12.
- 42 after-hours fire: "Band Plays During Fire," NYT, June 19, 1900, 9.
- **42 January 19, 1901 . . . nearly got murdered**: "Kills Himself in the Street," *NYTR*, Jan. 20, 1901, 8; "Shot at Two," 2.
- **42 fifty-nine-year-old . . . advance him twenty-five dollars**: "Kills Himself in the Street," 8.
- 42 nearby house . . . fired May on Saturday morning: Ibid.
- 42 insisted that only Moss: "Shot at Two," 2.
- 42 waited outside the building: Ibid.
- 42 Fourth and Wooster: Ibid.
- **42 May pulled a gun . . . brim of his hat:** "Kills Himself," 8.
- 43 building's boiler broke: William Fox v. Edwin W. Coggeshall and O.

Egerton Schmidt, Respondents, Supreme Court of New York, Appellate Division, First Department, 95 AD 410; 88 NYS 676; 1904. NY App. Div. LEXIS 2002.

- **43** "barely made a living" . . . second year: Transcript, 12.
- **43** countersigning . . . "doing business": Ibid., 13.
- 43 \$1,000 loan: Ibid.
- 43 "whole new outfit": Ibid.
- 43 "You are broke now": Ibid.
- 44 "From the beginning . . . adorn our walls": USPWF, 47.
- 44 "Mrs. Fox hasn't just . . . away from me": Transcript, 43–44.
- 44 "I was well rewarded": Ibid., 11.

CHAPTER 4: THE DARK SIDE OF THE DREAM

- **45 Flaunting a paper . . . manufacturing costs**: Transcript 20.
- **45 November 1900**: Frances A. Hess, Temple Emanu-El Archivist, gives Mona's birth date as Nov. 17, 1900, and Mona's marriage license application of May 16, 1923, states that she was then twenty-two. Erroneously, Eva's 1922 passport application lists Mona's birth date as Nov. 17, 1901.
- 45 \$600 . . . boarded a train: Transcript, 20.
- 45 only three dollars in his pocket: Ibid.
- 45 the Iroquois: Ibid., 21.
- 45 "From the railroad station . . . 100 pans": Ibid., 20–21.
- 46 canceled his reservation: Ibid., 21.
- 46 hadn't sold a single pan . . . an appointment: Ibid., 21–22.
- **46 forty-eight-year-old**: Born Apr. 13, 1852.
- **46 Woolworth's office . . . oversupply:** Transcript, 21–22.
- 46 "not over prosperous": Ibid., 22.
- 46 agreed to buy all: Ibid.
- **46 Detroit-born . . . drifted around the Midwest**: "The Assassin Makes a Full Confession," *NYT*, Sept. 8, 1901, 1; "Assassin's Statement," *LAT*, Sept. 8, 1901, 2.
- **46 tweny-eight-year-old**: "The Assassin Makes a Full Confession," 1.
- **46 defective and cowardly**: "Assassin Known as a Rabid Anarchist," *NYT*, Sept. 8, 1901, 4.
- 46 never succeeded much: "Assassin's Statement," 2.
- 47 mental breakdown: Ibid.; "Assassin Known as a Rabid Anarchist,"

- **47 firebrand Emma Goldman**: "Watch on City Anarchists," *New York Sun*, Sept. 8, 1901, 4.
- 47 "nearly split with the pain": "Assassin's Statement," 2.
- 47 "do something heroic": Ibid.
- **47 cheap hotel . . . 1078 Broadway**: "The Assassin Makes a Full Confession," 1.
- 47 wandered around: Ibid.
- **47 McKinley arrived by train on Wednesday**: "President at Buffalo," *NYT*, Sept. 5, 1901, 7.
- **47 repeatedly tried to get close**: "The Assassin Makes a Full Confession," 1.
- 47 buffeted back . . . "tossed about": Ibid.
- 47 "bowing to the great ruler": "Assassin's Statement," 2.
- 47 no escape . . . "in my heart": Ibid.
- **47 Around 4:00 p.m.:** "The President Twice Shot, But Lives," *LAT*, Sept. 7, 1901, 1.
- 47 Main Street . . . one hundred feet: Transcript, 22.
- 47 Dressed in black: "The President Twice Shot," 1.
- 47 .32-caliber revolver: "Assassin's Statement," 2.
- **47 handkerchief . . . right hand**: "Who Captured Czolgosz?" *NYT*, Sept. 10, 1901, **3**; "Verbatim Report of the Proceedings in the Trial of Czolgosz for the Murder of President M'Kinley," *Buffalo Courier*, Sept. 25, 1901, 8.
- 47 shot twice: "The Assassin Makes a Full Confession," 1.
- **47 breastbone and stomach**: "President Shot at Buffalo Fair," *NYT*, Sept. 7, 1901, 1.
- **47 whacked Czolgosz . . . lunged for the gun**: "Detective Ireland's Version," *LAT*, Sept. 8, 1901, 5.
- 47 toppled the assassin: Ibid.
- **47 Pandemonium broke out**: "The President Twice Shot," 1.
- 47 saw McKinley fall: Transcript, 22.
- 48 "Fred Nieman": "Verbatim Report," 8.
- **48 "trembled and trembled":** "The Assassin Makes a Full Confession," 1.
- 48 "no confidants": Ibid.
- 48 boyish-looking: "Detective Ireland's Version," 5.
- 48 suspicious-looking character: Ibid.; "Verbatim Report," 8.
- 48 African American: "Detective Ireland's Version," 5.

- **48 revised the story**: "Who Captured Czolgosz?" 3.
- **48 no "colored man"**: "Czolgosz Guilty," *NYT*, Sept. 25, 1901, 1; "Verbatim Report," 8.
- **48** "**stop the reservoirs**": "Senator Depew Would Stop Immigration," *LAT*, Sept. 17, 1901, 3.
- 48 "thankful that there is such a pan": Transcript, 22.
- **49 "God wanted to save me"**: Angela Fox Dunn interview with the author.
- **49 Buffalo on September 23**: "Assassin Czolgosz on Trial in Buffalo," *NYT*, Sept. 24, 1901, 1.
- 49 eight hours and twenty-six minutes: "Czolgosz Guilty," 1.
- 49 thirty-five minutes: Ibid.
- 49 sentenced to death: Ibid.
- **49 executed in the electric chair**: "Assassin Czolgosz Is Executed at Auburn," *NYT*, Oct. 30, 1901, 5.
- **49** "I want to make a statement" . . . "cannot": Ibid.
- 49 "I am awfully sorry": Ibid.
- 49 Three surges of current at 1,700 volts: Ibid.
- **49 Buffalo Cremation Company**: "Cremation Refused," *LAT*, Oct. 29, 1901, 1.
- **49 drenched with a powerful acid**: "Czolgosz Is No More," *Lockport Journal*, (Lockport, NY), Oct. 31, 1901, 3.
- **49 clothes and personal effects were burned**: "The End of Czolgosz," *Weekly Bulletin*, (Auburn, NY), no date or page number visible. (www.fultonhistory.com).
- 49 "So far as possible": "End of the Assassin," LAT, Oct. 30, 1901, 8.
- **50 "In all sincerity":** "Booker Washington's View," *LAT*, Oct. 2, 1901, 5.

CHAPTER 5: 700 BROADWAY

- 53 \$12,000 tenement house: Transcript, 606.
- 53 "Gee, I was proud!": Ibid.
- 53 "That is where I made": Ibid.
- 53 sold the property at a loss: USPWF, 47.
- **53 Walking along . . .**: Transcript, 13–14.
- **54 fortune-telling machines . . . horses**: David Nasaw, *Going Out: The Rise and Fall of Public Amusements* (Cambridge, MA: Harvard University Press, 1993), 157.

- **54 no great vision . . . savings to invest**: Transcript, 13.
- 54 eighteen feet wide: Ibid., 33.
- **54 preparing for a major expansion**: Charles Musser, *The Emergence of Cinema: The American Screen to 1907* (New York: Charles Scribner's Sons, 1990), 405.
- 54 "handsomest man you ever": Transcript, 34.
- **54 two friends . . . Sol Brill**: Grau, *The Theatre of Science*, 20–21.
- **54 Sol Brill and Jacob W. Loeb**: "New York Incorporations," *NYT*, Feb. 28, 1908, 13.
- 54 Only two customers: Transcript, 14.
- 54 hired crowds to pose: Ibid.
- 55 "Temple of Art" . . . "to all an opportunity": Charles Musser,

 Before the Nickelodeon: Edwin S. Porter and the Edison

 Manufacturing Company (Berkeley and Los Angeles: University

 of California Press, 1991), 116.
- 55 footage of a tree . . . projection process: USPWF, 34.
- **55 small store or even a backyard shack**: Barton W. Currie, "The Nickel Madness," *Harper's Weekly*, Aug. 24, 1907, 1246.
- **55 wall space of about nine square feet**: "Morals and Moving Pictures," *Harper's Weekly*, Jul. 30, 1910, 12.
- **55 saw an eleven-year-old boy**: "Genuine Abuse," *Views and Films Index*, June 6, 1908, 9.
- **56 a \$25 common show license**: Subsequent year renewals were an even greater bargain, costing only \$12.50.
- 56 \$500 theatrical license: Currie, "The Nickel Madness," 1246.
- **56 three three-minute films**: Transcript, 15–16.
- **56 "no very large practicable possibilities"**: Thomas Edison, *The Diary and Sundry Observations* (New York: Philosophical Library, 1948), 77.
- **56 Hurd, who had bought . . . Lumière Brothers**: J. Austin Fynes, "Motion Pictures," *Views and Films Index*, Jan. 11, 1908, 3.
- **56 Lyon-based**: "Louis Lumiere, 83, A Screen Pioneer," *NYT*, June 7, 1948, 19.
- 56 small converted store on Washington: Fynes, 4
- **48 Offering no chairs . . . no great profit**: Ibid.
- 56 canceled his lease: Ibid.
- **56 licensed a promoter . . . vaudeville theaters**: Grau, *The Theatre of Science*, 8–9.

- **56 gave up on . . . stock market investments**: Fynes, "Motion Pictures," 4.
- 56 no one had tried: Transcript, 14.
- **56 convert the second floor into a movie theater**: *A Story of William Fox*, Bulletin F-5, unpublished.
- **56 a thirty-dollar secondhand piano**: "Roxy Theatre Added to Fox Chain," *MPN*, Apr. 8, 1927, 1254.
- **56 "tones like a tin pan"**: "\$15,000,000, Roxy Theater Is Bought By Fox Interests," *BDE*, Mar. 26, 1927.
- **57 On October 14, 1904**: "Fox Celebrates Jubilee," *LAT*, Oct. 13, 1929, 15. The *Brooklyn Daily Eagle* gives the date as Oct. 13, 1904 ("\$15,000,000, Roxy Theater," *BDE*). The *Los Angeles Times* article appears more reliable because it quotes a Fox Theatres executive.
- **57** "I was put down as the craziest": Gerhard, "William Fox, Owning."
- **57** "I stood out in front": Transcript, 15.
- 57 man in the western hat . . . "at that time": Ibid.
- 57 too dangerous: Hill, "William Fox Reminisces," 648.
- **57 black satin suit . . . goatee**: Transcript, 35.
- **57 "This man would"**: Ibid., 15.
- 57 laid-off Barnum and Bailey . . . "followed him up": William Fox, "Reminiscences and Observations," in *The Story of the Films*, ed. Joseph P. Kennedy (Chicago and New York: A. W. Shaw Company, 1927), 310.
- **58 first year's profit as \$40,000**: "Interview with William Fox," May 1915, unpublished NYPL for the Performing Arts, William Fox clipping file.
- **58 then as \$75,000**: A Story of William Fox, Bulletin F-5, unpublished.
- **58** "little hole-in-the-wall": Gerhard, "William Fox, Owning, Largest Theatre Here."
- **58 \$50,000 in six months**: Jack Lait, "How This Theatrical Producer Works," *American Magazine*, Sept. 1917, 59.
- **58 \$250,000 in less**: Gerhard, "William Fox, Owning Largest Theatre Here"; "William Fox Is Reminiscent," *New York Sun*, Oct. 11, 1929.
- **58 Others, notably former furrier Marcus Loew**: Loew also opened his first movie theater in 1904, but in Manhattan.

- **58 Brooklyn, Queens, and Staten Island**: Currie, "The Nickel Madness," 1246.
- **58 That year, the trade journal**: *Views and Film Index* was co-owned by the Vitagraph and Pathé movie production companies.
- **58** "it can safely be said": "Moving Picture Shows in Manhattan," *Views and Films Index*, May 12, 1906, 4.
- 58 tenement houses: Transcript, 38.
- **58** "a glutton for work": "William Fox—Film Magnate," *Theatre*, May 1920, 486.
- 58 "My job was": Transcript, 38.
- 58 "Is this a business?": Untitled item, NEN, June 18, 1932.
- 58 his old job back: Ibid.
- **59 dens of sin**: "Vile Moving Pictures Corrupting the Morals of Countless Children," *New York Evening World*, Dec. 3, 1912, 17; "Health as Well as Morals of Children is Menaced in Cheap Movie Theatres," *New York Evening World*, Dec. 5, 1912, 4.
- **59 "pernicious moving-picture abomination"**: "Shows Schools of Crime," *NYT*, Feb. 14, 1909, 8.
- 59 "The child who steals": Ibid.
- **59** "an exceedingly low type": Frank C. Drake, "Real Danger of Moving Picture Shows," *New York World*, Dec. 24, 1908.
- **59 regretted having gone into business..."gin mill"**: "Leaders Welcome Murnau to America," *MPN*, Jul. 17, 1926, 209; Transcript, 49.
- **59 bought them out . . . original investment**: William Fox to Upton Sinclair, June 1, 1932, 2, US-MSS. Lilly Library, Indiana University.
- 59 February 1908: William Fox answer, ECC-USKF, at 4.
- **59 sixteen-hundred-seat . . . former Unique Theater**: "Unique Theater Shut Up," *BDE*, May 10, 1901, 2.
- 59 194 Grand Street: Transcript, 45.
- **59 January 1904 . . . potential firetrap**: "Closes Galleries of Six Brooklyn Theatres," *NYT*, Jan. 10, 1904, 8.
- **59 "When I went . . . ever saw"**: Transcript, 45.
- 59 \$20,000 purchase price: Transcript, 46.
- **59-60 took back Brill and Loeb as partners**: "New York Incorporations," *NYT*, Feb. 28, 1908, 13.
- 60 50 percent share: Transcript, 49.

- **60 asked to come back:** Ibid.
- 60 nicknamed "the Bum": Ibid., 46.
- 60 "assure the people" . . . ten thousand nearby residents: Ibid.
- 60 April 1908: "Editorial Notes and Comments," *MPW*, Apr. 25, 1908, 366. It's not completely certain when Fox's Comedy Theater opened—other dates have been reported—and this article refers to the theater by its former name, the Unique, with the news that it was now showing movies. However, April 1908 is consistent with Fox's statement about ten weeks' worth of construction updates to area residents.
- **60 vaudeville acts with movies**: Transcript, 46.
- **60 ten cents**: Ibid.
- 60 "real palace": Ibid., 49.
- **60 paid off the mortgage**: Ibid.
- **60 non-English-speaking immigrants**: Fox, "Reminiscences and Observations," in *The Story of the Films*, ed. Joseph P. Kennedy (Chicago and New York: A. W. Shaw Company, 1927), 302.
- **60 after working hours**: Transcript, 39.
- **60 catered to a family audience**: "Interview with William Fox," May 1915, unpublished.
- 60 "I tried to make my theatres": Ibid.
- **61 men with a good voice**: Transcript, 38.
- 61 "A bit of good luck": Ibid., 22.
- **61 shoppers and mothers with children**: "The Nickelodeon," *MPW*, May 4, 1907, 140.
- 61 "open the doors": Ibid.
- 61 three to five thousand nickelodeon theaters . . . two million:

 Daniel J. Czitrom, *Media and the American Mind: From Morse to McLuhan* (Chapel Hill: University of North Carolina Press, 1982), 41.
- **61 "faster than guinea pigs"**: "The Nickelodeon," 140.
- **62** In April 1906 . . . dashed for the exits: "Panic in Theatre Follows a Fight," *Views and Films Index*, Apr. 25, 1906, 6.
- **62 bright lights and loud decorations**: "The Future of the Five-Cent Show," *Views and Films Index*, Mar. 14, 1908, 3.
- **62 business owners became incensed**: Frederic J. Haskin, "Nickelodeon History," *Views and Film Index*, Feb. 1, 1908, 5.
- 62 from 3.4 million to 4.2 million: "Question—What Constitutes a

- New Yorker?," NYT, Nov. 17, 1907, SM1.
- 62 about 37 percent were foreign born: Ibid.
- **62** "air and movement of hysteria": Henry Adams, *The Education of Henry Adams* (New York: First Vintage Books, 1990), 462.
- **63 "Disregard for the Sabbath"**: "Sunday Less Blue Under Injunctions," *NYT*, Dec. 16, 1907, 3.
- **63 "blue" law enforcement, church leaders formed**: "Bingham to Close Sunday Theatres," *NYT*, Dec. 5, 1907, 16; "New York May Have Its Sundays White," *NYT*, Dec. 17, 1907, 6.
- **63 honorary vice president was J. P. Morgan**: "Close Everything Is Bingham's Order," *NYT*, Dec. 8, 1907, 1.
- **63 end all Sunday theatrical . . . losing his job**: "Clergy After McClellan," *NYT*, Dec. 1, 1906, 5.
- **63 age forty-six . . . necessitating amputation**: James B. Morrow, "Talks With Big Ones," *LAT*, Apr. 28, 1907, III-1.
- 63 detested immigrants: Ibid.
- **64 "burglars, firebugs, pickpockets":** Theodore A. Bingham, "Foreign Criminals in New York," *The North American Review* 188, no. 634 (Sept. 1908): 384.
- **64 "Public Sports" . . . baseball games**: "Moving Picture Men Score in One Court," *NYT*, Jan. 3, 1908, 7.
- **64 horse racing, wrestling**: "Police Get Orders to Enforce Blue Law," *NYT*, Dec. 6, 1907, 3.
- **64 any "public show":** "To-Day Likely to Be a Near-Open Sunday," *NYT*, Dec. 29, 1907, 2.
- **64 motion pictures weren't shown outdoors**: "To-Day Likely to Be a Near-Open Sunday," *NYT*, 2.
- 64 they weren't prohibited: Ibid.
- **64 highly unusual omnibus injunction that protected**: Ibid.
- **65 "It is indeed gratifying":** "William Fox," *Views and Films Index*, Aug. 3, 1908, 3.

CHAPTER 6: NECESSARY EXPENSES

- **66 want good government?**: Lincoln Steffens, "New York: Good Government in Danger," *McClure's Magazine*, Nov. 1903, 85.
- **66** "the most powerful, efficient, corrupt": Alexander B. Callow Jr., introduction to Gustavus Myers, *The History of Tammany Hall* (New York: Dover Publications, Inc. 1971), v.

- **66 three-story marble . . . Third Avenue**: Alfred Conable and Edward Silberfarb, *Tigers of Tammany* (New York: Holt, Rinehart and Winston, 1967), 153.
- **66 local Democratic Party organization**: Turner, "Tammany's Control of New York by Professional Criminals," 119.
- **67 "lying, perjured, rum-soaked":** "Dr. Parkhurst Dies of Hurts," *LAT*, Sept. 9, 1933, 2.
- **67 six-foot-one . . . blue-eyed**: Oliver Simmons, "Passing of the Sullivan Dynasty," *Munsey's Magazine*, Dec. 1913, 415.
- 67 "more absolute individual political power": Ibid., 407.
- 68 six East Side districts: Ibid., 413.
- **68 one-sixth**: Ibid., 412.
- **68 about equally divided**: Turner, "Tammany's Control of New York by Professional Criminals," 125.
- **68 Board of Aldermen**: "Little Tim,' Ill, Asked to Resign," *New York Herald*, Nov. 6, 1909; "Little Tim Sullivan Dead," *LAT*, Dec. 23, 1909, I-1.
- **68 "wondered and adored"**: Simmons, "Passing of the Sullivan Dynasty," 412.
- **68 turkey, mashed potatoes**: "Bowery's Waifs Feast in Silence," *NYT*, Dec. 26, 1909, 8.
- **68 one-legged**: "5,000 Get Shoes from 'Tim' Sullivan," *NYT*, Feb. 7, 1909, 8; "5,000 of the Needy Get Sullivan Shoes," *NYT*, Feb. 7, 1910, 2.
- 68 sturdy black shoes: "5,000 of the Needy," 2.
- **68 nearest pawnshop . . . twenty-five cents**: "5,000 Get Shoes," *NYT*, 8.
- **68 elementary school teacher**: "Big Tim Weeps and Denies the White Slave Charge," *New York Herald*, Nov. 1, 1901, 4.
- 68 twenty-five thousand dollars a year to the poor: M. R. Werner, Tammany Hall (Garden City, NY: Doubleday, Doran & Company, Inc., 1928), 505; Alvin F. Harlow, Old Bowery Days: The Chronicles of a Famous Street (New York: D. Appleton, 1931), 513.
- **68 buy food and pay rent**: Simmons, "Passing of the Sullivan Dynasty," 410–11.
- **68 four lawyers on call . . . paid the wedding fees**: Roy Crandall, "Tim Sullivan's Power," *Harper's Weekly*, Oct. 18, 1913, 14.

- **68 Born in 1863**: Some sources, such as the Biographical Directory of the United States Congress: 1774–Present (http://bioguide.congress.gov/biosearch/biosearch.asp), list Big Tim's birth year as 1862.
- **68 1863 . . . on the Lower East Side**: Simmons, "Passing of the Sullivan Dynasty," 407.
- **68 "beer dives, basement groggeries"**: Harlow, *Old Bowery Days*, 489.
- 68 controlled all the prizefights: Werner, *Tammany Hall*, 505. Big

 Tim was also the official stakeholder for the historic July 4,
 1910, Jeffries-Johnson fight in Reno, Nevada, in which
 reigning heavyweight champion of the world Jack Johnson, an
 African American, knocked out white, retired titleholder James
 J. Jeffries in the fifteenth round.
- **69 estimated illegal profits of \$175,000 to \$200,000**: Werner, *Tammany Hall*, 505.
- **69 Monk Eastman**: "Monk' Eastman Killed," *LAT*, Dec. 27, 1920, I-1; "Thousands at Funeral of Eastman," *LAT*, Dec. 31, 1920, I-1; "Admits Slaying Monk Eastman," *LAT*, Jan. 4, 1921, I-9.
- **69 gunmen, burglars and drug addicts**: "'Monk' Eastman Killed," I-1.
- 69 Kid Twist: Kid Twist, whose real name was Max Zwerbach, also manufactured a celery tonic sold by most East Side refreshment and confectioners, mainly because when others refused, he either busted up the business or murdered the proprietor (Turner, "Tammany's Control of New York by Professional Criminals," 123).
- **69 extortionists, killers**: Turner, "Tammany's Control of New York by Professional Criminals," 123.
- **69 blackmailers**: "Gangs in Terror at Gunmen's Fate; Hint at Revenge," *New York Evening World*, Nov. 20, 1912, 2.
- **69** "perhaps the most successful": "Gangsters Again Engaged in a Murderous War," *NYT*, June 9, 1912, SM1.
- **69 140 theaters nationwide**: J. C. Jessen, "In and Out of Los Angeles Studios," *MPN*, Feb. 13, 1915, 35.
- **69 former alderman George Kraus**: "Concert Halls May Be Open To-Day," *NYT*, Apr. 14, 1889, 5.
- **69 Sullivan & Kraus . . . music halls**: "Will of George J. Kraus," *NYT*, June 16, 1914, 9.

- **69 first dramatic first-class house**: "Other New York Theaters to Try Moving Pictures," *MPW*, May 30, 1908, 476.
- 69 municipal building code did not . . . unlimited discretion:

 "Motion Picture Theaters in Greater New York," *Moving Picture News*, Apr. 1, 1911, 8.
- **70 Department of Gas . . . qualifying exam**: "New York Operators Taken in Hand," *Views and Films Index*, Jan. 25, 1908, 4.
- **70 left eye removed:** "George Kraus Under Knife," *Variety*, June 20, 1908, 6.
- **70 Fox approached Kraus . . . nearly one thousand**: William Fox statement, ECC-USKF, at 4; Robert C. Allen, "Motion Picture Exhibition in Manhattan, 1906–1912: Beyond the Nickelodeon," in *Film Before Griffith*, ed. John L. Fell (Berkeley and Los Angeles: University of California Press, 1983), 166.
- 70 since the end of May: William Fox statement, ECC-USKF, at 4.
- **70 ten-week lease for \$50 a day**: "Kraus' New York Houses Desert Western Wheel," *Variety*, July 11, 1908, 7.
- **70 movies and light vaudeville:** William Fox statement, ECC-USKF, at 4.
- 70 Gotham, on East 125th Street: Grau, Business Man, 131.
- **70 combined annual rental of \$90,000**: William Fox statement, ECC-USKF, at 5.
- **70 by July 15... payments totaling \$50,000**: William Fox answer, ECC-USKF, at 2.
- **70 Rogers . . . an ally of Big Tim**: "Senator Sullivan's Bowery Meeting," *NYT*, Nov. 4, 1900, 12.
- **70 district leader . . . assistant corporation counsel**: "Gustavus A. Rogers Is Found a Suicide," *NYT*, Mar. 20, 1944, 19.
- **71 corresponding secretary and legal counsel**: Ibid.; "Morgan Summoned to Court," *NYT*, Oct. 25, 1903, 2.
- 71 ten-year contract: "Kraus' New York Houses," 7.
- 71 eight years left: "Gives Up Kraus Fight," Variety, Sept. 5, 1908, 6.
- **71 pay damages**: "Westerners Mending the Fence," *Variety*, July 18, 1908, 6.
- 71 August 10, 1918: William Fox statement, ECC-USKF, at 18.
- **71 sued Fox and Sullivan & Kraus**: "Western Wheel Fighting Sullivan-Kraus In Court," *Variety*, Aug. 22, 1908, 6.
- 71 Fox had no intention: House, Grossman & Vorhaus to Empire

- Circuit, July 17, 1908, ECC-USKF.
- 71 dropped the lawsuit: "Gives Up Kraus Fight," 6.
- 71 into a panic: William Fox statement, ECC-USKF, at 17.
- **71 repeated demands from the Fire Department**: "Charges Building Fraud," *NYT*, Mar. 16, 1913, 3.
- **71 fraudulently finagled licenses:** Ibid. Big Tim got a permit for the Dewey in 1898 by stating that it would be used only as a concert hall and not as a theater (William Miller, letter to the editor, "Senator Sullivan and the Law," *NYT*, Nov. 3, 1901, 15).
- 71 sprinkler system: Dewey and Gotham lease, ECC-USKF.
- **71 fire exits required**: "Fighting to Reopen Old Dewey Theatre," *NYT*, July 13, 1915, 8.
- 71 lease had explicitly stated: Dewey and Gotham lease, ECC-USKF.
- **71** Although Fox already had . . . "cheat you": Transcript, 217–18.
- 72 "I never employed" . . . couldn't swim: Ibid., 218.
- **72** "I took it as a joke" . . . "You knew he was working": Ibid., 218–20.
- **73** "the most terrible secret": Simmons, "Passing of the Sullivan Dynasty," 415.
- 73 tossing a coin: "Timothy D. Sullivan," LAT, June 12, 1910, VII-9.
- 73 squandering twice as much: Harlow, Old Bowery Days, 512.
- **73 "about half a pound":** "'Big Tim's' 'Half-a-Pound,'" *Variety*, May 11, 1907, 4.
- **73 race to dominate . . . escalating furiously**: "Loew After Opposition With Big Capacity House," *Variety*, Dec. 9, 1911, 13.
- **73 Health Department . . . Tenement House**: "Motion Picture Theaters," *Moving Picture News*, Apr. 1, 1911, 8.
- **73 Joe Leo as the manager:** "Dewey Theatre," *Variety*, Dec. 19, 1908, 13.
- **73 combined bill . . . ten cents:** "\$3,000 Show in Academy," *Variety*, May 14, 1910, 4.
- **73 more than twice those of a nearby competitor:** "2,000 Daily for Expenses," *Variety*, Aug. 8, 1908, 10.
- **73 fifty employees . . . two projectionists**: "Dewey Theatre," 13.
- **74 without a frame showing their title**: "A Good Idea," *MPW*, Dec. 5, 1908, 443.
- **74 card boy . . . music conductors' stands**: "Dewey Theatre," 13.

- 74 using strip tickets: Ibid.
- **74 \$1,200 . . . theater record**: "\$1,200 in One Day," *Variety*, Dec. 12, 1908, 12.
- 74 "Dewey comes close to being": "Dewey Theatre," 13.
- **74 hound Mayor McClellan**: "Moving Pictures Hearing," *NYT*, Dec. 21, 1908, 2.
- **74 five-hour public meeting . . . irate clergymen**: "Say Picture Shows Corrupt Children," *NYT*, Dec. 24, 1908, 4.
- 74 revoking and annulling the licenses of all of the city's 551:

 "Licenses of All Moving Picture Shows Revoked," *New York World*, Dec. 25, 1908; "Picture Shows All Put Out of Business," *NYT*, Dec. 25, 1908, 1. McClellan's order applied only to "common show" theaters with fewer than three hundred seats and not to the larger theaters that were licensed by the police commissioner rather than the mayor's office.
- **74 personally had visited . . . "public calamity"**: "Licenses of All Moving Picture Shows Revoked"; "Picture Shows All Put Out of Business," 1.
- **74 twelve thousand blazes . . . \$7.6 million**: F. W. Fitzpatrick, "Fire—An American Extravagance," *McClure's Magazine*, Nov. 1908, 100.
- **74 January 13, 1908**: "Boyertown Dead Now Number 170," *NYT*, Jan. 16, 1908, 7.
- **74 Rhoads Opera House**: "The Verdict of the Coroner's Jury," *MPW*, Feb. 8, 1908, 96.
- **75 town of twenty-five hundred . . . northwest of Philadelphia**: "Boyertown Small Town of 2,500," *NYT*, Jan. 14, 1908, 2.
- 75 suddenly exploded . . . roaring flames: "Stories of Survivors," NYT, Jan. 14, 1908, 2. Several theater employees disputed that account and said that the sound of escaping gas from a movie projector tank, although quickly stopped, had alarmed the audience and that, in the ensuing panic, the fire started when either footlight oil lamps were overturned or an usher kicked over a music lamp ("The Daily Press and Moving Pictures," MPW, Jan. 25, 1908, 55). However, audience members reported hearing an explosion from the movie projector and then being surrounded by smoke and flames ("Stories of Survivors," 2). A coroner's jury determined that incompetent

- operation of the projector caused the fire ("Verdict of the Coroner's Jury," 96).
- 75 crowd of about 400: "Stories of Survivors," 2.
- **75 169 people died**: "Verdict of the Coroner's Jury," 96.
- **75 burned by the fire . . . crushed underfoot**: "100 Dead in Theatre Fire," *NYT*, Jan. 14, 1908, 1.
- 75 mayor had no right to close: William Fox Amusement Company,
 Plaintiff, v. George B. McClellan, as Mayor of the City of New
 York, and Francis U. S. Oliver, as Chief of the Bureau of Licenses,
 Defendants, and three other actions: Supreme Court of New
 York, Special Term, Kings County, Jan. 1909; Supreme Court of
 New York, Special Term, Kings County, Opinion by J.
 Blackmar, 62 Misc, 100, 14 N.Y.S. 594; 1909 N.Y. Misc. LEXIS
 495.

CHAPTER 7: "THE NEXT NAPOLEON OF THE THEATRE"

- **76 City Theatre Company . . . twenty-five-hundred-seat theater:** "Welcome New City Theatre," *NYT*, Apr. 19, 1910, 9.
- **76 next to Luchow's restaurant**: "Sullivan-Kraus Theatre," *Variety*, Dec. 26, 1908, 4.
- **76 eighteen-hundred-seat . . . Washington Theatre**: "Heights Provided For" *Variety*, Apr. 23, 1910, 8.
- **76 northeast corner . . . 149th Street**: "Theatre for Washington Heights," *NYT*, Apr. 8, 1910, 15.
- **76 Bank president Alexander Walker**: "Alex. Walker, 81, Banker, Is Dead," *NYT*, Feb. 14, 1934, 19.
- **77** "Walker pushed a bell . . . whole possible career": Transcript, 52–53.
- **77** Mahoney materialized . . . didn't protest: Ibid., 53.
- **77 twenty-five-foot-square . . . Versailles gardens**: "City Theatre Opens April 18," *NYT*, Apr. 14, 1910, 11.
- 77 leave room for a projection booth: Ben M. Hall, *The Best*Remaining Seats: The Story of the Golden Age of the Movie Palace
 (New York: Clarkson N. Potter, 1961), 105.
- 77 April 18, 1910: "Welcome New City Theatre." In conversation with Upton Sinclair, Fox incorrectly recalled the first show as *Ziegfield Follies of 1910*, starring Eva Tanguay (Transcript, 53). *Follies* was the second show ("City Theatre Housewarming,"

- *NYTR*, Apr. 16, 1910, 7; "Follies Extends Season," *Variety*, Apr. 9, 1910, 4).
- 77 Miss Innocence: "City Theatre Housewarming," 7.
- 77 "It was a loss": Transcript, 53-54.
- **77 in about two months**: Ibid., 53; "Rejoins the Follies," *Variety*, Apr. 23, 1910, 5.
- **77 companies such as William Morris**: "Leases City for \$75,000," *Variety*, Dec. 3, 1910, 6.
- **77 late November 1910**: "Fox Leases the City Theatre," *Billboard*, Dec. 12, 1910, 26.
- 77 \$75,000 a year: Transcript, 54.
- 77 Ben Leo, as its manager: "Fox Managers Move," *Variety*, Dec. 27, 1912, 8. Ben Leo resigned in December 1912 for health reasons and was replaced by Sam Fried, who was probably one of Fox's cousins.
- 77 \$42,000 and \$45,000: Transcript, 54.
- **77 theater impresario**: "Overdose of Drug Kills Robert Grau," *NYT*, Aug. 10, 1916, 18.
- 77 "next Napoleon of the Theatre": Grau, Business Man, 131.
- **78** eighteen minutes . . . five-cent movie theater: "Fox Had to Buy," *Variety*, Feb. 6, 1909, 12.
- **78 Star Theater at Lexington and 107th Street**: "Moving Pictures at Star," *Variety*, Nov. 21, 1908, 7.
- **78 Nemo Theatre, an 1,100-seat**: "Fox's Nemo Open," *Variety*, Oct. 1, 1910, 10.
- **78 former café and music hall**: "Mrs. Del Drago Sells Harlem Plot," *NYT*, Oct. 8, 1911, 7.
- **78 110th and Broadway**: "Fox Building Another One Up in the Tremont Section," *Variety*, Apr. 6, 1912, 12.
- **78 1911 for just under \$500,000**: "Mrs. Del Drago Sells Harlem Plot," 7. Fox had been renting the Nemo for the previous year, presenting movies and vaudeville.
- **78 New York Roof Theatre**: "Vaudeville Leaves Roof," *Variety*, Jan. 13, 1912, 13.
- **78 Broadway between Forty-Fourth and Forty-Fifth Streets**: "Plan 22-Story for Times Square," *NYT*, Aug. 9, 1911, 5.
- 78 2,000-seat Folly Theatre: Transcript, 48.
- **78 ten-year lease at \$35,000**: Ibid., 47–48.

- **78 3,000-plus:** William Fox testimony, USA-MPPC, Vol. II, at 698. Fox estimated the Academy's seating capacity to be between 3,000 and 3,300.
- **78 Fourteenth Street at Irving Place**: "Academy of Music Leased," *NYT*, Feb. 13, 1910, 11.
- **78 Berlin Opera House**: "Opening of the Academy of Music," *NYT*, Oct. 3, 1854, 9.
- **78** "half-demolished": "The Property Man's Woes," *NYT*, Oct. 16, 1910, X2.
- **78 Marcus Loew was close**: "After Academy of Music," *Variety*, Nov. 6, 1909, 4.
- **78 Big Tim intervened:** "Famous 'Daly's Theatre' May Play Moving Pictures," *Variety*, Dec. 18, 1909, 3.
- **79** ten-year, \$100,000-a-year . . . in cash: Transcript, 74.
- 79 total of \$380,000: Ibid.
- **79 \$118,000 renovation**: "Academy of Music to Have a New Face," *NYT*, Nov. 6, 1911, 8.
- 79 exceeded his lease payment: Transcript, 75.
- **79 1,800-seat Riverside**: William Fox testimony, USA-MPPC, Vol. II, at 698.
- **79 northwest corner of Broadway and Ninety-Sixth**: "Fox's Block of Vaudeville Represents About \$2,000,000," *Variety*, June 22, 1912, 13.
- **79 \$900,000 on land and construction:** William Fox testimony, USA-MPPC, Vol. II, at 698.
- **79 opening day in December 1911:** "Riverside," *Variety*, Dec. 16, 1911, 10.
- 71 "Rain or shine they jam": "Riverside," Variety, Oct. 25, 1912, 22.
- **79 Broadway and Ninety-Seventh Street**: "Upper Broadway Lease," *NYT*, Mar. 16, 1920, 16.
- **79 entire city block . . . \$2 million**: "Fox's Block of Vaudeville," 13.
- **79 in February 1912, Fox began**: "Million Dollar Hippodrome for Washington Heights," *NYT*, Mar. 3, 1912, XX2.
- **79 shabby frame houses . . . "bordering on insanity":** "Review of Week's Important Deals," *NYT*, Dec. 22, 1912, XX2.
- **80 \$1.2 million for the land and construction**: William Fox testimony, USA-MPPC, Vol. II, at 698.
- 80 "as bright and shiny": "Audubon," Variety, Dec. 6, 1926, 26.

- **80 Audubon . . . 3,000-seat theater**: William Fox testimony, USA-MPPC, Vol. II, at 698.
- **80 \$12,000 oil painting**: "New Audubon Theatre Open," *NYT*, Nov. 28, 1912, 10.
- 80 Danse D'Hiver ballroom: "Cabarets," Variety, Mar. 20, 1914, 15.
- **80 twenty-five stores**: "Vaudeville in Fox's New Audubon," *NYT*, Nov. 26, 1912, 15.
- **80 "started off like a race horse"**: "January to See Several Small Timers Commence," *Variety*, Jan. 17, 1913, 5.
- **80 opened on November 27, 1912**: "New Audubon Theatre Open," 10.
- **80 2,500-seat . . . Park and Washington**: "Fox Building Another One Up in the Tremont Section," 12.
- **80 \$650,000 L-shaped**: Ibid.
- **80 Bijou Dream, renaming it the Washington**: "Fox's New England Invasion?" *Variety*, Sept. 30, 1911, 11.
- **80 Grand Opera House . . . and the Nelson**: "Fox in New Haven," *Variety*, Jan. 20, 1912, 12; "Fox Starts Nelson," *Variety*, Nov. 8, 1912, 6.
- 80 and the Gilmore: "Fox's New England Invasion?" 11.
- **80 renaming each one "Fox's Theatre"**: Ad for the Fox Agency, *Variety*, Mar. 21, 1913, 37.
- **80 fourteen movie theaters**: William Fox testimony, Feb. 13, 1913, USA-MPPC, Vol. II, at 696.
- **80 lived at 272 East Two Hundredth Street**: U.S. Census, 1910, www.ancestry.com.
- **80 Marcus Loew showed up . . . John Considine**: "Wealthy Show People," *Variety*, Dec. 20, 1912, 6.
- **81 ten-to-fifty cent range**: William Fox testimony, USA-MPPC, Vol. II, at 697–98.
- **81 members of the American Federation of Labor**: "Fox Circuit Strike Still On; No Action Yet by the Actors," *Variety*, Dec. 9, 1911, 5.
- **81 had gone on strike . . . working on Sundays**: "Strike in Four Theatres," *NYT*, Nov. 27, 1911, 7.
- **81 ignored letters from the musicians' union**: Ibid.
- **81 to replace the striking workers:** "Fox Circuit Strike Still On," 5.
- 81 filed five libel lawsuits: "Expects Sullivan's Help," Variety, Dec. 16,

- 1911, 8.
- **81 employees . . . walked out**: "Another Fox Strike," *Variety*, May 18, 1912, 12.
- **82 served on the twenty-five-member board**: "Vaudeville Managers' Protective Association," *Variety*, Apr. 22, 1911, 9.
- **82 \$200-per-head tax . . . refused to accept**: "Sunday Shows Threatened," *Variety*, 3.
- 82 didn't need the money: Ibid.
- 82 "but no cash": Transcript, 50.
- **82 "doors of the great":** Simmons, "Passing of the Sullivan Dynasty," 415.
- **82 \$500 million . . . for bribery**: "Hyde Indicted for Accepting \$13,800 Bribe," *NYT*, May 2, 1911, 1.
- **82** \$500,000 bribery fund . . . anti-racetrack gambling bill . . . state legislature: "Hyde to Testify on Graft," *NYT*, Dec. 12, 1910, 6; "Would Subpoena Mr. Hyde," *NYT*, Dec. 28, 1910, 1.
- **82 among "all of the boys"**: "He Had Accused Police Secretary," *New York Herald*, July 18, 1912, 4.
- **82 thirty-five-foot**: "William Fox Proud of New Motor Boat," *New York* Telegraph, May 13, 1912.
- **82** the *Stop-a-While*: "Stop-a-While Sold," *NYT*, July 1, 1912, 1; "Who Is 'Winnie' Sheehan, Secretary of Waldo?" *New York American*, July 18, 1912.
- **82 convicted by a jury . . . in state prison**: "Hyde Wins Appeal in Bribery Case," *NYT*, May 9, 1913, 1.
- **83 three-room suite**: "Grand Jury Feel Hyde is Pampered," *NYT*, Dec. 8, 1912, 4.
- **83 let Hyde out**: "Two Years for Hyde; Let Out On Bail," *NYT*, Dec. 12, 1912, 5.
- 83 repainted, redecorated: "Stop-a-While Sold," 1.
- **83** helped each other with bookings: "Interbooking Only," *Variety*, Jan. 3, 1913, 3.
- **83 opposition . . . Moss and Brill Circuit**: "Big 'Small Time' Combine in Sight by August 1, Next," *Variety*, July 19, 1912, 3.
- **84 false rumor circulated**: "Fox Denies Combine," *Variety*, June 8, 1912, 10.
- **84 One evening . . . "go forward":** "One Million-Dollar Photoplay to Be Masterpiece Made by William A. (*sic*) Fox," *Times-Picayune*

(New Orleans, LA), Dec. 5, 1915, 56.

84 he would tell the story: Ibid.

CHAPTER 8: THE WIZARD OF MENLO PARK

- **85 invented the modern motion picture**: Thomas A. Edison, letter to the editor, *NYT*, June 9, 1921, 10.
- **85 in the summer of 1889... waited two years**: Frank L. Dyer, "Edison's Place in the Moving Picture Art," *MPW*, Dec. 21, 1907, 680.
- **85** "carelessly neglected": Edison, *The Diary and Sundry Observations*, 78.
- **85** "He is always in control": Henry Ford, *Edison as I Know Him*, with Samuel Crowther (New York: Cosmopolitan Book Corp., 1931), 64.
- **86 first public exhibition . . . Music Hall**: James P. Cunningham, "Asides and Interludes," *MPH*, Apr. 16, 1938, 29.
- **86 site of Macy's**: "Phil M. Daly," "Along the Rialto," FD, Oct. 3, 1938, 4.
- **86** "the money end of the movies": Edison, *The Diary and Sundry Observations*, 63.
- 86 "The experiments of a laboratory": Ibid., 74.
- 86 five to seven years to complete: Ibid., 169.
- **86 never solved their problems**: Ibid.
- **86 "Society is never prepared"**: Ibid., 179.
- **86** more than seven years to persuade . . . the phonograph: W. Stephen Bush, "A Chat with Thomas A. Edison," *MPW*, July 11, 1914, 180.
- **86** "strange to me in their isolation": Paul Israel, *Edison: A Life of Invention* (New York: John Wiley & Sons, 1998), 444.
- 86 "terrible examples": Ibid.
- 86 "almost supernatural": Ibid., 445.
- 86 "too great an advantage": Ibid., 444.
- **86 "our enterprising Hebrew citizens"**: Bush, "A Chat with Thomas A. Edison," 180.
- 86 thirty-three federal . . . lawsuits: Candace Jones, "Co-evolution of Entrepreneurial Careers, Institutional Rules and Competitive Dynamics in American Film, 1895-1920," *Organization Studies* 22, no. 6 (Nov. 2001): 923.

- **87 March 6, 1907, infringed on the Edison**: "Moving Picture Men Hit," *NYT*, Mar. 9, 1907, 2.
- **87** American Mutoscope and Biograph Company: "Moving Picture War Over," *Variety*, Dec. 26, 1908, 8.
- 87 Sixty-year-old Edison: Edison was born on Feb. 11, 1847.
- **87 After assigning . . . Edison Manufacturing Company**: "Suits to Protect F.S.A.," *Views and Films Index*, Mar. 21, 1908, 3.
- **87 best suited for women and children**: "'A Square Deal for All' is Thomas Edison's Promise," *Variety*, June 20, 1908, 12.
- **87 managed Edison's phonograph business**: "Film Renters Meet in Convention," *Variety*, Feb. 15, 1908, 10.
- **87 Biograph had wanted . . . pay royalties to Edison**: "American Mutoscope and Biograph Co. and the Recent Manufacturers' Combine," *MPW*, Feb. 22, 1908, 139.
- 87 Gilmore refused: Ibid.
- **87 rival group of manufacturers:** "Biograph Co. Licenses Three Manufacturers," *Variety*, Feb. 22, 1908, 10.
- 87 hurled patent infringement lawsuits: "Biograph Company Opens Fire on Edison Concern," *Variety*, Feb. 29, 1908, 10; "Edison Licensees All Sued," *Variety*, May 30, 1908, 11; "Statement Given Out by the Edison Company," *Variety*, Mar. 14, 1908, 13; "F.S.A. Executive Committee Meets," *Variety*, Mar. 28, 1908, 13; "Suits to Protect F.S.A.," *Views and Films Index*, Mar. 21, 1908, 3.
- **87 sued twice by Biograph**: "Biograph Company Moves Against Edison Exhibitors," *Variety*, May 23, 1908, 12.
- **88 In July 1908**: "Change of Officers," *Edison Phonograph Monthly*, Sept. 1908, 2.
- **88 had been grossly overcharging**: "Edison Didn't Testify," *NYT*, July 19, 1912, 18.
- 88 Edison Company's general counsel: "Change of Officers," 2.
- 88 family of patent lawyers: Ibid.
- 88 "a system of business in which": "A Square Deal for All," 12.
- **88** "not yet . . . thoroughly civilized": "Defense Resumes in Patents Company Suit," *MPN*, Nov. 22, 1913, 18.
- **88 sell their movies exclusively**: Robert Anderson, "The Motion Picture Patents Company: A Reevaluation," in *The American Film Industry*, ed. Tino Balio (Madison: University of Wisconsin

- Press, 1985), 139.
- 88 at a uniform price: Ibid., 143.
- **88 "conserve the interests"**: "Applications from Exhibitors," *MPW*, Jan. 23, 1909, 92.
- **89 at least \$2,500 worth of films:** "Manufacturers Assume Control of All Moving Pictures," *Variety*, Jan. 16, 1909, 13.
- **89 returned . . . within six months**: Ibid.
- **89 had never been enforced**: William Fox testimony, USA-MPPC, Vol. II, at 784–85.
- **89 projectors purchased before**: "'Movies' Sued by Uncle Sam," *LAT*, Aug. 17, 1912, I-6.
- **89 January 20... or get cut off**: Manufacturers Assume Control of All Moving Pictures," 13.
- 89 Exhibitors had until February 1: Ibid.
- **89 would mean leaving the industry**: Complaint, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 27. (Microfilm Part V, Reel 224, Image 17, TAEP).
- **89 to protest the harshness**: William Fox testimony, USA-MPPC, Vol. II, at 660–62.
- 89 Take it or leave it: Ibid., 663.
- **89 January 20, 1909**: William Fox affidavit, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 90. (Microfilm Part V, Reel 224, Image 49, TAEP).
- **89** "simply ruin his business": William Fox testimony, USA-MPPC, Vol. II, at 665.
- **89 4,800 of . . . 10,000 theater owners**: "Cut Rate War May Follow Independents' Aggressions," *Variety*, Mar. 13, 1909, 13.
- **89 immediately began . . . "the Trust":** "Moving-Picture Men in Row," *NYT*, Jan. 10, 1909, 3.
- **90 offering the exact same movies**: OLIVER, "Observations by Our Man About Town," *MPW*, Apr. 24, 1909, 511.
- **90 not to license any more theaters**: "Applications from Exhibitors," 92.
- **90 exhibitor in Albia, Iowa**: "An Exhibitor Voices a Grievance," *MPW*, Jan. 29, 1910, 130.
- **90 very little creative progress**: "On the Screen," *MPW*, Nov. 13, 1909, 680.
- 90 Senseless plots, bad acting: "To the Manufacturers Again," MPW,

- Apr. 3, 1909, 397.
- **90 twenty-five dollars for a film script**: Fox, "Reminiscences and Observations," 303. *USPWF* gives the price as \$62.50 (39).
- **90 couldn't afford to work for the movies**: OLIVER, "Observations by Our Man About Town," *MPW*, Apr. 17, 1909, 471.
- **90 fifty dollars for directors and sixty dollars for performers**: Fox, "Reminiscences and Observations," 303.
- **90 Lubin and Edison films are so shaky**: "Exhibitor Displeased With Quality Of Films," *MPW*, Apr. 3, 1909, 375.
- **90 film with no sprocket holes**: John Carter letter to MPPC, undated. UCLA Special Collections, USA-MPPC Trial Records, in Box 4, File 6, "Memoranda on testimony collected by H. K. Stockton on Western Trip."
- **90** "state of putrefaction": "Broken Promises Hurt the Business of Many Exchanges," *MPW*, Jan. 29, 1910, 118.
- **91 six to seven thousand . . . nationwide**: The number is imprecise because while new theaters were continually signing on, existing licensees were dropping out.
- **91 eight to ten thousand) had been licensed**: "Motion Picture Patents Company and Its Work," *MPW*, July 17, 1909, 82.
- **91 office space . . . stenographers**: "Cut Rate War May Follow Independents' Aggressions," 13.
- **91 "As a collection agency"**: OLIVER, "Observations by Our Man About Town," *MPW*, Mar. 27, 1909, 361.
- **91 early May 1909 . . . rental agencies**: Motion Picture Patents Company ad, *MPW*, Apr. 10, 1909, 456.
- **91 would allow them more flexibility**: "Patents Co. Favors Exchanges," *Variety*, May 22, 1909, 13.
- **91 German immigrant . . . Oshkosh**: "William Lord Wright's Page," *MPN*, Dec. 14, 1912, 15.
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- **92 in February 1910 . . . GFC**: "Mysterious \$2,500,000 Points to Patents Co. Change," *Variety,* Feb. 19, 1910, 14.
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- 92 had to back down: Ibid.
- **92 Percy L. Waters . . . invite Fox:** William Fox testimony, USA-MPPC, Vol. II, at 666–67.
- **92 GFC's general manager**: "Observations by Our Man About Town," *MPW*, June 18, 1910, 1041.
- 93 200 Fifth Avenue: William Fox affidavit, Dec. 16, 1911, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 74. (Microfilm Part V, Reel 224, Image 41, TAEP).
- 93 it was time: Ibid., 667.
- 93 "fly off the roof": Ibid.
- 93 \$60,000 to \$75,000: Ibid.
- **93** "ridiculously low" . . . \$150,000: Ibid., 668–69.
- **93** "two-fisted, hairy-chested": "Screen, the Greatest," *NYT*, Dec. 31, 1922, 74.
- **93 \$89,000**: William Fox testimony, Feb. 13, 1913, USA-MPPC, Vol. II, at 670.
- 93 "don't want to sell": William Fox affidavit, Dec. 16, 1911, Greater New York Film Rental Company v. Motion Picture Patents Company and others, at 72. (Microfilm Part V, Reel 224, Image 40, TAEP).
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- **93 notice canceling his license**: Petitioner's Exhibit No. 137, William Fox testimony, USA-MPPC, Vol. II, at 672–73.
- 93 shown in a Hoboken, New Jersey, brothel: Transcript, 41.
- **93** Upon investigation . . . bribed to divert them: Ibid., 41–42.
- **93 Fox sent an employee**: Louis Rosenbluh testimony, USA-MPPC, Vol. I, 370.
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- **94 Friday afternoon, December 1**: William Fox affidavit, Dec. 16, 1911, *Greater New York Film Rental Company against Motion Picture Patents Company and others*, at 80. (Microfilm Part V, Reel 224, Image 44, TAEP).
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- **94 up to \$100,000**: William Fox testimony, USA-MPPC, Vol. II, at 684.
- **94 agreed to sell . . .\$90,000**: Complaint, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 39. (Microfilm Part V, Reel 224, Image 23, TAEP).
- **94 effective December 11, 1911**: Ibid., Image 46, p. 84.
- 94 "pile of junk": Transcript, 17.
- **94 "That is so, son"**: William Fox testimony, USA-MPPC, Vol. II, at 683.
- **94** The next morning . . . withdrawing his license cancellation: Louis Rosenbluh testimony, USA-MPPC, Vol. I, at 372.
- **94 on December 7 . . . deal was off**: Fox affidavit, Dec. 16, 1911, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 85. (Microfilm Part V, Reel 224, Image

- 46, TAEP).
- **94 effective at 8:00 a.m. on Christmas Day**: William Fox testimony, USA-MPPC, Vol. II, at 692.
- **94 On December 16, 1911:** Complaint, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 46. (Microfilm Part V, Reel 224, Image 27, TAEP).
- **94 two-hundred-plus-page**: "Fox Bucks the Patents Co.; Won't Stand to Be Trimmed," *Variety*, Dec. 30, 1911, 13.
- **94 stifle and suppress . . . monopolizing**: Complaint, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 18. (Microfilm Part V, Reel 224, Image 13, TAEP).
- **95 Samuel Untermyer . . . and Alton B. Parker**: "Fox Bucks the Patents Co.," 13.
- **95 former judge . . . presidential candidate**: "Judge Parker Dies in His Auto in Park," *NYT*, May 11, 1926, 1.
- **95 Fox as the "David" . . . ruthless giant**: "Perhaps Picture String of Theatres Next Season," *Variety*, Mar. 9, 1912, 5.
- **95 a meeting with . . . Wickersham**: "Independents Propose Organization," *MPW*, Sept. 12, 1914, 1521.
- **95 lodged his complaint:** "Explains Court's Decision," *NYT*, Oct. 2, 1915, 17.
- **95** "a rather pitiful failure": Theodore Roosevelt to Gifford Pinchot, June 28, 1910, in Theodore Roosevelt, Letters and Speeches (New York: The Library of America, 2004), 628.
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- **95** "Wall Street, as an aggregation": Judith Icke Anderson, William Howard Taft: An Intimate History (New York: W. W. Norton, 1981), 200.
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- **95 "Only free men"**: Ibid., 70.
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- 96 sixty staff lawyers: Ibid., 15.
- 96 young and inexperienced: Ibid., 20.
- 96 "an electric searchlight": Ibid., 21.

- **96 April 30, 1912**: "Harvester Company Sued as Monopoly," *NYT*, May 1, 1912, 5.
- **96 years of investigation**: "Sees One Big Trust in Harvester-Steel," *NYT*, July 27, 1911, 3.
- **96 \$140 million . . . restraint of trade**: "Harvester Company Sued as Monopoly," 5.
- **96 began investigatory hearings**: "Moving Picture Patents Company's Brief to Attorney General Denies Sherman Law is Being Violated," *MPN*, June 15, 1912, 9.
- **96 hundreds of cases of wrongdoing:** "Independents Propose Organization," 1521.
- **96 on August 16, it filed . . . eleven company officers**: "Motion Picture Men Sued as a Trust," *Moving Picture News*, Aug. 24, 1912, 18.
- **96 70 to 80 percent . . . "to harass and oppress"**: "'Movies' Sued," I-6.
- 97 ought to be dissolved: "Motion Picture Men Sued as a Trust," 18.
- **97** "didn't know pig iron" . . . replacement law: "Edison on the Sherman Anti-Trust Law and Industrial Regulation," *Electrical World*, Dec. 16, 1911, 1470–71.

CHAPTER 9: MADNESS AND MURDER

- **98** in a whisper . . . "constant terror": "Jury Finds 'Big Tim,' Is Incompetent," *NYT*, Jan. 23, 1913, 8.
- **98 Florrie Sullivan . . . died in June**: "Two-Mile Funeral for F. J. Sullivan," *NYT*, June 28, 1909, 7.
- **98 complications of a nervous breakdown**: "Little Tim' Sullivan Dying," *NYT*, Dec. 22, 1909, 6.
- 98 December 22: "Little Tim Sullivan Dead," LAT, Dec. 23, 1909, I-1.
- **98 age forty . . . Bright's Disease and endocarditis**: "Little Tim Sullivan Is Dead at Forty," NYT, Dec. 23, 1909, 1.
- **98 nervous breakdown . . . botched stock deal**: "'Little Tim' Sullivan Dying," 6.
- **98 Big Tim's closest friend**: Simmons, "Passing of the Sullivan Dynasty," 413.
- 99 began to sob . . . left in tears: "Bowery's Waifs Feast in Silence," 8.
- **99 crushing defeat**: "Tammany Saves Only Gaynor from the Fusion Avalanche," *New York Herald*, Nov. 3, 1909, 1.

- **99 Tammany lost the Manhattan and Bronx**: "Even the Judicial Ticket of Tammany is Defeated," *New York Herald*, Nov. 3, 1909.
- **99 cut back severely on patronage**: "Hard Times These for Tammany Clubs," *NYT*, Mar. 6, 1910, 8.
- **99 "bad boy" list . . . not be reelected**: "City Legislators in A Blacklist," *NYT*, Sept. 8, 1910, 3.
- **99** "over-cultured, educated gentlemen": "Bowery Cheers for Timothy D. Sullivan," *NYT*, Nov. 3, 1902, 2.
- **99** "a person who is simply not fit": "New York City in Congress," *NYT*, Oct. 4, 1902, 8.
- 100 An early morning fire . . . souvenir scavengers: "New York's Playground Goes Up in Smoke of Great Fire," *LAT*, May 28, 1911, 12; "Animals Perished by Fire and Bullet," *NYT*, May 28, 1911, 3; "A New Coney Island Rises from the Ashes of the Old," *NYT*, May 8, 1904, SM5; Dreamland display ad, *NYT*, May 27, 1904, 6; "Start Up Again in Coney Ruins," *NYT*, May 28, 1911, 1; McCullough, *Brooklyn* . . . and How It Got That Way, 160.
- **99 with his mane aflame**: David W. McCullough, *Brooklyn . . . and How It Got That Way* (New York: The Dial Press, 1983), 160.
- 100 only \$400,000: "Before Coney Island's \$4,000,000 Fire Is Conquered Resorts Spring Up To Entertain Thousands At The Ruins To-Day," *New York Herald*, May 28, 1911, 1.
- **100 Moments before 2:00 a.m.:** "The Motive and the Men," *New York American*, July 17, 1912, 2.
- **100 July 16, 1912**: "Gambler Who Defied Police Is Shot Dead," *NYT*, July 16, 1912, 1.
- **100 late dinner**: "Rosenthal the Gambler Slain in Front of Metropole," *New York American*, July 16, 1912, 1.
- **100 behind the doorway shrubbery**: "Libby Identified as Man Who Slew Rosenthal; Man Who Drove Auto Aids Police," *New York American*, July 17, 1912, 2.
- **100 slate colored Packard**: "Automobile 'No. 41313,"" *New York American*, July 17, 1912, 2.
- **100 Hit twice**: "How Rosenthal Was Shot; 2 Bullets; Either Fatal," *New York American*, July 18, 1912.
- 100 screamed, threw up his hands: "Rosenthal the Gambler Slain," 1.
- 100 facedown onto the pavement: "How Rosenthal Was Shot."

- **100 elected by a landslide**: "Even the Judicial Ticket of Tammany is Defeated."
- 100 his partner in the . . . Hesper Club . . . Becker: "Gamblers—Murder As A Fine Art In New York—Police," *New York American*, July 19, 1912, 2.
- 100 testify before a grand jury at 8:00 a.m.: Benjamin H. Kaufman, "New Evidence upon which Becker's Hopes Are Based," *New York Herald*, July 24, 1915, 1; "Whitman Sends A Stinging Rejoinder to Comm'r Waldo," *New York American*, July 19, 1912, 3.
- **101 \$12,500 to equip the Hesper Club**: "'Big Tim' Aided Rosenthal," *NYT*, July 21, 1915, 6.
- **101 president of the Hesper Club**: Turner, "Tammany's Control of New York by Professional Criminals," 132.
- 101 "worried to death" . . . ruin him: "Big Tim' Aided Rosenthal," 7.
- 101 offered him \$25,000 to silence: Ibid.
- **101 Dr. G. F. M. Bond's Sanitarium**: "'Big Tim' Held Under Restraint in Sanitarium," *New York Evening World*, Nov. 11, 1912, 1.
- **101** "kept away from influences": "Big Tim Very Ill, But Doctor Hopes He Will Get Well," *New York Evening World*, Nov. 11, 1912, 18.
- **101 lost 60 pounds**: "Big Tim' Sullivan Out \$700,000 and Ill," *NYT*, Sept. 20, 1912, 1.
- 101 220-pound: Simmons, "Passing of the Sullivan Dynasty," 415.
- **101 screened second-floor window:** "'Big Tim' Held Under Restraint in Sanitarium," 1.
- **101 mumbling prayers:** "Big Tim Very Ill, But Doctor Hopes He Will Get Well," 18.
- **101 "restraining sheet":** "'Big Tim' Held Under Restraint in Sanitarium," 1.
- 101 tied to his bed: Ibid.
- **102 \$400,000 short . . . impossible to borrow money**: Transcript, 54–55.
- 102 "was to be destroyed": Ibid., 55.
- **102 plaster contractor showed up . . . "receipted bill**": Ibid. Transcript, 55.
- **102 most of the other contractors . . . visit Walker again**: Ibid., 55–56.

- 103 received Fox cordially . . . "Nassau Bank": Ibid., 56.
- 103 "Anybody that will" . . . entire debt: Ibid.
- **103 with his brother Patrick**: "Brother Takes Sullivan," *NYT*, Apr. 1, 1913, 1.
- **103 Eastchester Road**: "Big Tim' Missing; Fear For His Life," *New York Press*, Sept. 10, 1913, 8.
- **103 Escaping occasionally . . . Bowery neighborhoods**: Werner, *Tammany Hall*, 509.
- **103 hopped a freight train**: "Big Tim's' Death Accident," *NYT*, Sept. 30, 1913, 2.
- 103 around the Hudson River docks: Werner, Tammany Hall, 509.
- **103 month-long trip:** "'Big Tim' Sullivan Returns Improved," *NYT*, July 17, 1913, 7.
- **103 August 31, 1913**: "Punishes Sleuths In Sullivan Case," *NYT*, Sept. 18, 1913, 6.
- **103 "F. J. McClosky"**: "Big Tim' Dead; 13 Days in Morgue," *NYT*, Sept. 14, 1913, 1.
- 103 freight train . . . north of Pelham Parkway: Ibid.
- 103 cut him in two: Ibid.
- **103 tailor-made salt-and-pepper**: "Thousands Mourn at 'Big Tim's' Bier," *NYT*, Sept. 15, 1913, 9.
- 103 white shirt . . . cufflinks: "Big Tim' Dead; 13 Days in Morgue," 1.
- 103 no steam or vapor: Ibid., 1.
- **104 no autopsy**: "Says Blackjack May Have Killed 'Big Tim' Sullivan," *NYT*, Nov. 28, 1914, 1.
- 104 ruled an accident: "'Big Tim's' Death Accident," 2.
- **104 thirteen days . . . three morgues**: "Big Tim' Dead; 13 Days in Morgue," 1.
- 104 plain pine box: Ibid., 1.
- **104 newspaper photos**: "Says Blackjack May Have Killed 'Big Tim' Sullivan," 1.
- 104 "Why, it's Big Tim!": "Big Tim' Dead; 13 Days in Morgue," 1.
- **104 blackjack . . . sandbag**: "Says Blackjack May Have Killed 'Big Tim' Sullivan," 1.
- **104 poisoned before being dumped**: "'Big Tim' Dead; 13 Days in Morgue," 1.
- 104 "dogs in the streets": "Thousands Mourn at 'Big Tim's' Bier," 9.
- 104 hundreds of people: "'Big Tim' Dead; 13 Days in Morgue," 1.

- 104 his face . . . unscathed: Ibid.
- **104 one of Big Tim's caretakers**: "Bureau to Identify Bodies," *NYT*, Sept. 27, 1913, 14.
- 104 veteran with a clean record: Ibid.
- **105 crowd estimated at 75,000**: "Class Lines Vanish at Sullivan Burial," *NYT*, Sept. 16, 1913, 5.
- 105 to 100,000: Crandall, "Tim Sullivan's Power," 15.
- 105 mahogany coffin: "Thousands Mourn at 'Big Tim's' Bier," 9.
- **105 three thousand American Beauty roses**: "Class Lines Vanish at Sullivan Burial," 5.
- 105 207 Bowery: "Thousands Mourn at 'Big Tim's' Bier," 9.
- **105 Cathedral on Mott Street:** "Class Lines Vanish at Sullivan Burial," 5.
- 105 "politicians, prizefighters": Ibid.
- 105 German, Italian: "Thousands Mourn at 'Big Tim's' Bier," 9.
- 105 requiem Mass: "Class Lines Vanish at Sullivan Burial," 5.
- **105 officially declared incompetent**: "Jury Finds 'Big Tim' Is Incompetent," 8.
- **105 stopped paying rent**: "Big Tim' Suing for Rent," *NYT*, Jan. 13, 1913, 22.
- **105 abandoned both theaters**: "Sullivan Firm Stands," *NYT*, Apr. 8, 1913, 7.
- 105 overdue rent of \$3,641: "Big Tim' Suing for Rent," 22.
- **105 "illegal and unlawful"**: "Charges Building Fraud," *NYT*, Mar. 16, 1913, 3.
- 105 "connivance, fraud": Ibid.
- **105 stalled on repayment**: "Sullivan Receiver Named," *NYT*, Aug. 8, 1914, 6.
- 106 financial interests in: "Jury Finds 'Big Tim' Is Incompetent," 8.
- **106 hadn't kept any books**: "Asks Court to Save 'Big Tim's' Property," *NYT*, Aug. 5, 1914, 20.
- 106 flood of claims . . . immediately sued: "To Report To-Day on T.D. Sullivan's Tangled Affairs," New York Herald, Sept. 13, 1915,6.
- **106 adopted daughter**: "May Be a Contest Over 'Big Tim's' Will," *NYT*, Sept. 17, 1913, 6; "Punishes Sleuths In Sullivan Case," 6.
- **106 biological daughter**: "Claims 'Big Tim' Was Her Father," *Buffalo Evening News*, Dec. 10, 1913, 16; "\$50,000 Payment Reveals

- 'Big Tim' As Girl's Father," *New York Herald*, Dec. 10, 1913, 1; "Arrest Faces 'Big Tim's' Executors," *NYTR*, May 29, 1914, 1.
- **106 estimated \$2 million**: "May Be a Contest Over 'Big Tim's' Will," 6.
- **106 \$970,000**: "Big Tim' Sullivan Died Worth \$970,000," *NYT*, May 6, 1914, 20.
- **106 had Mulligan and Sullivan arrested**: "Executors May Yet Go to Jail," *NYTR*, May 8, 1914, 18.
- 106 trailed Mulligan: "Asks Court to Save 'Big Tim's' Property," 20.
- **106 injunction preventing:** "Sullivan Receiver Named," 8; "Asks Court to Save 'Big Tim's' Property," 20.

CHAPTER 10: JUSTICE

- **108 massive amounts of useful information**: "Trust' Case Proceeding," *Variety*, Nov. 7, 1913, 15.
- **108 thirty-six-year-old**: "Dr. Gilbert H. Grosvenor Dies, Head of National Geographic, 90," *NYT*, Feb. 5, 1966, 29.
- **108 cousin of President Taft . . . twin brother**: "Edwin P. Grosvenor, Noted Lawyer, Dies," *NYT*, Mar. 1, 1930, 13.
- 108 Columbia University . . . class of 400: Ibid.
- 108 one of his worst customers: J. J. Kennedy, "Memoranda Relating to MPPC and General Film Company," p. 29. UCLA Special Collections, U.S. v. MPPC Trial Records, Box 4, third file.
- 108 GFC never wanted . . . backed out of the deal: Ibid., 29.
- **109 Very popular with exhibitors**: Louis Rosenbluh testimony, USA-MPPC, Vol. I, at 373.
- 109 two- and three-reel . . . trip to Africa: Ibid.
- 109 only if they canceled their contracts: Ibid., 374.
- 109 "Personally I would not care": Palace Amusement Company
 Manager to Greater New York Film Rental Co., May 31, 1912,
 Biograph case file, NARA-NYC; "Crisp and Effective," MPW,
 Apr. 6, 1912, 36.
- **109 making late deliveries**: McArdle, "Arguments in Case of Wm. Fox Against Patents Company."
- **109 shipping defective copies:** "Memorandum of Interviews with Mr. Grosvenor and Others," p. 3. UCLA Special Collections, U.S. v. MPPC Trial Records, Box 4.
- 110 he shouted back: "United States vs. Motion Picture Patents Co.,"

- MPW, Mar. 15, 1913, 1082-83.
- **110 "officer, ain't he?"**: William Fox testimony, USA-MPPC, Vol. II, at 668.
- **110** "I seen Mr. Kennedy . . . ": Ibid., 681.
- 110 "That is what he done": Ibid., 788.
- **110 Kinemacolor . . . in all his theaters**: "Kinemacolor Breaks 'Trust' Ranks, Annexing Fox Houses," *Variety*, Apr. 11, 1913, 15.
- **110 "Gentlemen, you can all"**: "Independents Propose Organization," 1521.
- **110 On July 10, 1913 . . . license cancellation**: "Unlicensed Feature Films in Ass'n Licensed Houses," *Variety*, July 11, 1913, 3.
- 110 first step toward an open market: "Kinemacolor Breaks 'Trust' Ranks, Annexing Fox Houses," 15; "Unlicensed Feature Films in Ass'n Licensed Houses," 3.
- **110** "the expense of litigation": "Indictments Hang Over Heads of Motion Picture Patents Co.," *Variety*, July 18, 1913, 8.
- 110 incurred about \$500,000: Ibid.
- **110 on the International Harvester case**: "Defense Resumes in Patents Company Suit," *MPN*, Nov. 22, 1913, 18.
- **110 December 1913, Grosvenor announced**: "M. P. Patents Co.–Government Suit Continued," *New York Clipper*, Dec. 13, 1913, 16.
- **111 Wall Street corporation lawyers**: "E. P. Grosvenor Resigns," *NYT*, Jan. 2, 1914, 2.
- **111 dismissed the case . . . restraint of trade:** "Film Rental Co. Loses Appeal," *NYT*, Dec. 27, 1913, 7; "Film Service Not a Utility," *LAT*, Feb. 5, 1913, I-4.
- **111 repeatedly won postponements**: "Independents Propose Organization," *MPW*, Sept. 12, 1914, 1522.
- 111 about \$30,000 in projector royalties: Complaint, *Greater New York Film Rental Company v. Motion Picture Patents Company and others*, at 31. (Microfilm Part V, Reel 224, Image 19, TAEP).
- **111 formed a nationwide organization**: "Independent Film Board," *NYT*, Aug. 30, 1914, 15.
- **111 draw up a charter and incorporate**: "Independents Propose Organization," 1522.
- **111 mailed out letters to every**: "Time to Get Together" ad, *MPN*, Aug. 29, 1914, 79.

- **111 trade publication ads . . . August 29, 1914**: Ibid; and "Time to Get Together" ad, *MPW*, Aug. 29, 1914, 1267.
- **111** "the Moses of the business": "Laemmle Replies to Fox," *MPW*, Sept. 19, 1914, 1650.
- **112** "Let those who have certain grievances": "Observations by Our Man About Town," *MPW*, Sept. 26, 1914, 1764.
- 112 Only fifty: "Independents Propose Organization," 1521.
- **112 to one hundred people**: "Independent Board of Trade Organized," *MPN*, Sept. 12, 1914, 71.
- **112 first meeting . . . at the Hotel McAlpin**: "Independents Propose Organization," 1521.
- 112 "Don't you know . . . act in a united fashion": Ibid.
- **112** "The clerks speak in whispers": "Chilly General Film Offices Keep All Employes [sic] Subdued," *Variety*, Feb. 20, 1914, 23.
- **112 Around 5:30 p.m.**: "Edison Sees His Vast Plant Burn," *NYT*, Dec. 10, 1914, 1.
- **112 Edison plant in West Orange, New Jersey:** Charles Edison, "My Father and the Fire," *LAT*, Feb. 21, 1954, J2. The Edison Company's motion picture production facility was located in the Bronx.
- **112 film storage room**: "Mrs. Edison Saved Husband's Records," *NYT*, Dec. 11, 1914, 9.
- **112 spontaneous combustion, "roaring inferno"**: Edison, "My Father and the Fire," J2.
- **112 destroyed nearly three-quarters**: "Mrs. Edison Saved Husband's Records," 9.
- **112 manufacturing and experimentation facilities**: "Edison Sees His Vast Plant Burn," 1.
- 112 within twelve hours: Edison, "My Father and the Fire," J2.
- 112 "a smoldering jumble": Ibid.
- **113 melted fire extinguisher under his arm**: "Mrs. Edison Saved Husband's Records," 9.
- **113 redbrick laboratory . . . undamaged**: Edison, "My Father and the Fire," J2.
- 113 "his white hair tossed": Ibid.
- **113 "start all over again tomorrow"**: "Edison Sees His Vast Plant Burn," 1.
- 113 \$2 million worth of damage, only \$268,000: Edison, "My Father

- and the Fire," J2.
- 113 austerely furnished courtroom . . . Philadelphia: W. Stephen Bush, "United States vs. Motion Picture Patents Co.," *MPW*, Dec. 26, 1914, 1815.
- 113 a single antitrust case: "E. P. Grosvenor Resigns," 2.
- **113 "absolutely fanatical"**: Frank L. Dyer to Thomas A. Edison, Sept. 25, 1912, 4. (Microfilm Part V, Reel 214, Image 993, TAEP).
- **113 Subjectively . . . and objectively:** "Arguing Case to Dissolve the Motion Picture 'Trust'," *Variety*, Dec. 12, 1914, 25.
- **113 arbitrary, oppressive, and arrogant**: Bush, "United States vs. Motion Picture," 1815.
- **114 at least \$2 million in profits:** "Government Argument on Picture Trust Case," *Variety*, Dec. 19, 1914, 22.
- **114 known as a quick study**: Bush, "United States vs. Motion Picture," 1817.
- 114 4,235 printed pages: Ibid., 1815.
- **114 Six days after . . . "triple damages"**: George F. Scull to Carl Hillis Wilson, Dec. 18, 1914, 1. (Microfilm Part V, Reel 214, Image 1038, TAEP).
- **114 Rogers to Washington to lobby**: "As New Yorkers View Bills," *NYT*, Feb. 13, 1914, 2.
- 114 as prima facie evidence: Daniel R. Fischel, "The Use of Government Judgments in Private Antitrust Litigation: Clayton Act Section 5(a), Collateral Estoppel, and Jury Trial," *University of Chicago Law Review* 43 no. 2 (Winter 1976): 338–339.
- **114 award him \$1.8 million**: "Comment on Patents Company Decision," *MPW*, Oct. 23, 1915, 624.
- **114 several veiled clauses**: George F. Scull to C. H. Wilson, Nov. 30, 1915, 1. (Microfilm Part V, Reel 224, Image 373, TAEP),
- **114 carry the case . . . U.S. Supreme Court**: "Dissolution of Motion Picture 'Trust' Ordered," *New York Herald*, Oct. 2, 1915.
- 115 settlement offer on Fox's triple damages: Transcript, 17.
- 115 until six the next morning: Ibid.
- 115 Fox would receive \$300,000 . . . \$50,000: Henry Lanahan to Carl Hillis Wilson, Jan. 31, 1916. (Microfilm Part V, Reel 224, Images 68–71, TAEP).
- 115 had a good chance of winning: George F. Scull to Carl Hillis Wilson, Dec. 18, 1914. (Microfilm Part V, Reel 214, Images

- 1038-1039, TAEP).
- 115 unanimously in his favor: Ibid.
- **115** "a potential power of evil": "Ends Price-Fixing by 'License' Plan," *NYT*, Apr. 10, 1917, 14.
- **115 spring of 1918...sold off**: "Edison Sells Its Studio and Equipment," *MPN*, May 11, 1918, 2803.
- **115 "When the industry began to specialize"**: Edison, *The Diary and Sundry Observations*, 64.
- 116 "throw the whole thing to the dogs": Thomas Edison handwritten response to Frank L. Dyer letter of Apr. 17, 1912. (Microfilm Part V, Reel 214, Image 964, TAEP).
- 116 renouncing their licenses and joining: Frank L. Dyer to Thomas A. Edison, Sept. 25, 1912, 4. (Microfilm Part V, Reel 214, Image 993, TAEP).
- 116 licensed manufacturers and even the GFC: "Notes on Present Status of Patents Company Affairs," Nov. 18, 1915, 2—3. (Microfilm Part V, Reel 224, Images 369–370, TAEP).
- 116 GFC was moribund: Carl Hillis Wilson to Thomas A. Edison, Oct. 26, 1916. (Microfilm Part V, Reel 214, Images 1087–1090, TAEP).
- **116 Moon kept looking over**: Bush, "United States vs. Motion Picture Patents Co.," 1817.
- 116 "rising inflection" . . . real plaintiff: Ibid.
- **116** "ringing tones" . . . "since its inception": Ibid.
- 116 anyone . . . could do so legally: "Explains Court's Decision," 17.
- **116 "I fought in the United States Courts"**: Fox, "An Open Letter to Exhibitors" ad, MPN, June 30, 1917, 3987.

CHAPTER 11: INDEPENDENCE

- **117 eighteen thousand movie** theaters . . . **\$300 million**: Czitrom, *Media and the American Mind*, 42.
- **117 only their worst junk**: "Wm. Fox to Drop All the 'Foreign' Feature Films," *Variety*, July 24, 1914, 17.
- 117 only two or three: Ibid.
- 117 slashed the price: Ibid.
- 117 "Most of the exhibitors": Ibid.
- 117 drop all foreign films: Ibid.
- 118 Nemo . . . Balboa Amusement Producing Co.: Box Office

- Attraction Co. ad, *MPN*, Oct. 3, 1914, 6; Balboa Amusement Producing Co. ad, *MPW*, Nov. 28, 1914, 1192.
- **118 only short films**: Universal Film Manufacturing Company ad, *MPN*, Oct. 11, 1913, 51.
- **118 same building as Fox**: Box Office Attraction ad, *MPN*, Oct. 3, 1914, 6; "One Building Shut Off," *Variety*, Feb. 6, 1914, 21.
- 118 Warner brothers . . . *Peril of the Plains* in 1912: Eileen Bowser, *The Transformation of Cinema, 1907–1915* (New York: Charles Scribner's Sons, 1990), 224–25. At that time, the Warners were mainly distributors, but they called their production arm the Pittsburg Photoplay Company.
- 118 change his name to Goldwyn: Berg, Goldwyn, 82–83.
- 118 "I felt a strong obligation": Transcript, 62.
- **118** "a mission to perform": Fox Film ad, "The New William Fox Policy," *MPN*, July 24, 1915, 23.
- 118 thirty-year-old . . . Sheehan: Arthur Ungar, "Winfield Sheehan, Film Pioneer, Dies After Devoting 31 Years to Industry," *Variety*, Aug. 1, 1945, 4. Sheehan was born on Sept. 21, 1883.
- 118 general manager: "Theatrical Notes," NYT, Feb. 25, 1914, 9.
- 118 Irish immigrant: "Fox's Fix," Time, Jan. 13, 1930.
- 118 dry goods store owner: "Winnie' Sheehan, Hollywood Dynamo, Ex-World Reporter," *Evening World*, Oct. 5, 1929; "Winfield Sheehan, Empire Builder of the Screen," *New York Morning Telegraph*, Jan. 2, 1927, 7.
- **118 Buffalo, New York**: Sheehan was born on Sept. 24, 1881 (1916 passport application, www.ancestry.com).
- 119 teenage reporter for the Buffalo Courier: "Fox's Fix," Time.
- **119 first for the** *Journal* . . . **then the** *World*: "Films' Future is in Talkies, Says Sheehan," *New York Telegram*, Mar. 27, 1929.
- 119 fire commissioner in 1909 . . . secretary: Ibid.
- 119 police commissioner the following year: Ibid.
- **119 Sheehan went along:** "Winnie' Sheehan, Hollywood Dynamo, Ex-World Reporter."
- **119 the janitor**: "Waldo, Annoyed on Stand, Gives Stereotyped Replies," *New York American*, Sept. 20, 1912, 2.
- 119 "close and fast friends": Transcript, 228.
- **119 to Havana, Cuba**: Passenger List, SS *Havana*, sailing from Havana, Cuba, Jan. 27, 1912, www.ancestry.com.

- 119 "a stogie-puffing leprechaun": Raoul Walsh, Each Man in His Time: The Life Story of a Director (New York: Farrar, Straus and Giroux, 1974), 220.
- **119 city's most notorious gangsters**: "'Winnie' Sheehan Knew the Gangs," *BDE*, Sept. 20, 1912.
- 119 kingpin in a graft scheme: "Find Money Link Between a Man Close to Waldo and Inspector Under Suspicion," New York World, Aug. 23, 1912; "Four High Police Officials Mentioned in the Confessions Involving Lieutenant Becker," New York American, July 31, 1912, 1.
- **119 \$2.4 million annually**: "Four High Police Officials Mentioned in the Confessions Involving Lieutenant Becker," 1.
- 119 Sheehan joined with three high-ranking uniformed: Ibid.; "Three Higher Up Named by Burns," unidentified publication, Aug. 13, 1912. (NYPL, *New York Sun* newspaper morgue files 1900–1950, Winfield Sheehan file).
- 119 centralize and systematize: Ibid.
- 119 lawyer named George C. Norton: "Norton and Hyde Seek," unidentified publication, Sept. 20, 1912. (NYPL, *New York Sun* newspaper morgue files 1900–1950, Winfield Sheehan file).
- **119 that he represented Sheehan**: "Calls W. R. Sheehan the Man Higher Up," *NYT*, Apr. 30, 1914, 6; "Sheehan Named in Bribe Case," *New York Sun*, Apr. 30, 1914.
- **119** "an election gorilla": "Graft Hunt Led to Waldo's Man, Swears Sleuth," *NYTR*, Sept. 19, 1912, 1.
- **120 Rosenthal told friends . . . club was raided**: "He Had Accused Police Secretary," *New York Herald*, July 18, 1912.
- **120 321 West Fifty-Fifth Street**: "New Police Scandal Caused by Commissioner Waldo's Story of \$15,000 Bribe," *New York Herald*, Sept. 18, 1912.
- **120 Four men . . . to see Sheehan:** "Who Is 'Winnie' Sheehan, Secretary of Waldo?"
- **120 Told by the elevator . . . angry and fled**: Ibid.; "Waldo Stands by Sheehan," *New York American*, July 18, 1912.
- 120 \$100 a week: Transcript, 228.
- 120 \$75-a-week: "Who Is 'Winnie' Sheehan, Secretary of Waldo?"
- **120 didn't know anything about the film business**: "Winnie Sheehan, Hollywood Dynamo, Ex-World Reporter."

- **120 had seen only a few films**: "Films' Future is in Talkies, Says Sheehan."
- **120 "That's all right . . . literature"**: "Winnie Sheehan, Hollywood Dynamo, Ex-World Reporter."
- 120 small truck delivered . . . headquarters: Ibid.
- **120 less than \$65 a month . . . didn't own a car**: "Who Is 'Winnie' Sheehan, Secretary of Waldo?"
- **120 invested much of his Police Department loot**: Ibid.; Lloyd F. Lonergan, "Elsie Ferguson's Interpretation of Portia New, But Successful," (Portland, OR), May 28, 1916, 3; "He Had Accused Police Secretary."
- 120 brought along more cash: Edwin C. Hill, "Mr. Sheehan, Genius Extraordinary, Chapter I," *American Weekly* magazine, *New York American*, Feb. 10, 1946, 19. Sheehan denied having given money to Fox while at the Police Department ("Who Is 'Winnie' Sheehan, Secretary of Waldo?").
- **121 would spend \$1 million to defend**: William Fox to Upton Sinclair, June 8, 1932, US-MSS.
- **121 more than five hundred plays**: "Box Office Producers," *MPW*, Nov. 7, 1914, 791.
- **121 Born in Montreal . . . military academy**: Terry Ramsaye, "The Romantic History of the Motion Picture," *Photoplay*, Oct. 1924, 57.
- **121 "prime ministerial**": Herbert Howe, "The Maker of Queens," *Picture-Play Magazine*, June 1921, 62.
- **121 stage actor in New York**: Ramsaye, "The Romantic History of the Motion Picture," 57.
- **121 "left in the background"**: "Who's Who On The Stage," *NYT*, Jan. 10, 1926, X4.
- **121 return . . . after the outbreak of war**: Ramsaye, "The Romantic History of the Motion Picture," 124; "Edwards Directing," *Variety*, Aug. 28, 1914, 16.
- **121 assigned him to direct**: Fox Film ad, "The Exhibitor's Eternal Question," *MPN*, Apr. 24, 1915, 25.
- **121 movie rights for \$500**: William Fox to Saul Rogers, Apr. 19, 1916, *Life's Shop Window* Correspondence, FLC. Fox later said he'd paid \$100 (Transcript, 82), but that was incorrect.
- 121 "little bit of a studio": Transcript, 65.

- **121 double as the caterer . . . "there was the devil**": Mark Hellinger, "About Broadway," *Atlanta Constitution*, Mar. 31, 1929, F-24.
- **121 on November 2, 1914**: "Copyright Renewal on Motion Pictures," *Life's Shop Window* Correspondence, FLC.
- **122** "masterpiece of picturization": Fox Film ad, "Fox Features—Better Than The Best," *MPN*, Apr. 17, 1915, 5.
- **122** "faulty direction": *Life's Shop Window* review, *Variety*, Nov. 14, 1914, 25.
- **122 inept editing, "mutilated and distorted"**: W. Stephen Bush, review of *Life's Shop Window, MPW*, Nov. 14, 1914, 944.
- 122 "unbelievably poor": Ibid.
- 122 "false advertising": Ibid.
- **122 afternoon showing at . . . Audubon Theatre**: Transcript, 78.
- 122 "I remember the manager": Ibid.
- **122 New York sensation**: Box Office Attraction Co. ad, *Life's Shop Window*, *MPW*, Nov. 21, 1914, 1029.
- **122** "one of the biggest hits": Box Office Attraction Co. ad, "Presenting William Fox Features," *MPW*, Sept. 26, 1914, 1732.
- 122 "moralized" all the life: Transcript, 42.
- 122 "Unfortunately, we attracted": Ibid., 78.
- 122 "It taught me": Ibid.
- **122** "fifty of the biggest" . . . best-selling books: "Fox Talks of Plans," *MPW*, Oct. 24, 1914, 472.
- **123 William Farnum . . . Edward Jose**: "Box Office Engages Array of Broadway Stars," *MPN*, Nov. 21, 1914, 24.
- **123 Robert Edeson**: "Fox Engages Robert Edeson," *MPW*, Nov. 21, 1914, 1092.
- **123 fifteen BOA distribution offices . . . projection rooms**: "Old Favorites on Box Office Program," *MPN*, Oct. 31, 1914, 68.
- **123 mostly self-taught artist**: "Winsor McCay, 62, Cartoonist, Dead," *NYT*, July 27, 1934, 17.
- **123 woodcuts . . . street signs . . . posters**: Ibid.
- **123 no business sense, "absolute craving"**: John Canemaker, *Winsor McCay: His Life and Art* (New York: Abbeville Press, 1987), 16.
- **123 ten thousand drawings**: "Winsor McCay, 62, Cartoonist, Dead," 17.
- **123 allowed movie cameras inside**: "*Gertie* and Other Dinosaurs in the McCay Picture," *MPW*, Nov. 28, 1914, 1242.

- 124 six months of work: In real life, it had taken McCay more than a year to create *Gertie* because the film required twenty-four drawings per second of screen time (Jerry Beck, ed. *The 50 Greatest Cartoons: As Selected by 1,000 Animation Professionals* [Atlanta: Turner Publishing, Inc., 1994], 15).
- 124 December 28, 1914: Gertie ad, MPW, Dec. 26, 1914, 1863.
- 124 "greatest comedy film": Ibid.
- 124 "greatest cartoonist": Ibid.
- 124 "financial disaster": William L. Silber, When Washington Shut Down Wall Street: The Great Financial Crisis of 1914 and the Origins of America's Monetary Supremacy (Princeton, NJ: Princeton University Press, 2007), 1.
- **124** European investors rushed . . . gold standard: Ibid.
- 124 more than \$25 million in gold: Ibid., 15-16.
- **125 escalate into catastrophe**: Alexander D. Noyes, *The War Period of American Finance, 1908–1925* (New York: G. P. Putnam's Sons, 1926), 71–72.
- **125 liquidate only 25 percent . . . U.S. gold supply**: Silber, *When Washington Shut Down Wall Street*, 14.
- 125 fell another 6 percent: Ibid., 11.
- **125 On July 28... March 14**: Silber, *When Washington Shut Down Wall Street*, 11.
- 125 closed for more than four months: Silber, When Washington Shut Down Wall Street, 150. Although bond trading resumed at the NYSE on November 28, 1914, stocks were not readmitted for trading until mid-December. ("Prosperity Greets Open Stock Trading," NYT, Dec. 12, 1914, 1.)
- **125 ten days during the panic of 1873**: Silber, *When Washington Shut Down Wall Street*, 17.
- **125 thirteen British merchantmen . . . trade halted**: Noyes, *The War Period of American Finance*, 62.
- **125** Farmers . . . copper, steel, meat, and oil: Ibid., 63–69.
- 125 started hoarding money: Ibid., 74.
- 125 personally invested \$360,000: Transcript, 66.
- 125 creditors' demands for payment: Ibid., 67.
- 125 "needed more money": Ibid., 66.
- **125 stopped lending altogether . . .sixty days' notice**: Noyes, *The War Period of American Finance*, 73.

- **126 ten individual investors**: James C. G. Conniff and Richard Conniff, *The Energy* People: *A History of PSE&G* (Newark, NJ: Public Service Electric and Gas Company, 1978), 74.
- **126 bought in personally**: "New Jersey Capitalists Prepared to Back Fox," 46.
- **126** Anthony R. Kuser . . . wife's late father: Ronald J. DuPont, Jr., "The Monument Man," *New Jersey Highlander* 20, nos. 3, 4 (Fall/Winter 1984): 5.
- **126 considered largely to run**: Conniff and Conniff, *The Energy People*, 146.
- **118 president and controlling . . . bank**: Conniff and Conniff, *The Energy People*, 152.
- **126 younger brother . . . utility conglomerate:** Ibid., 67–70.
- **126 the remaining \$100,000**: Transcript, 67.
- **126 Five investors joined**: Fox Film ad, "The New William Fox Policy," 21.
- **126 On January 25, 1915**: "Trust Co. Declares a 375 P.C. Dividend," *NYT*, Jan. 26, 1915, 13.
- 127 "If there had not been a war": Transcript, 67.

CHAPTER 12: "WILLIAM FOX PRESENTS"

- **128** "real pictures of real men and women": Fox Film ad, "The New William Fox Policy," *MPN*, July 24, 1915, 22.
- **128 Leavitt Building:** "Fox New York Offices Enlarged by Another Entire Floor," *MPN*, Sept. 25, 1915, 54.
- 128 at 5:30 or 6:00 a.m.: Transcript, 43.
- **128 stay away for long**: "He Forgets to Sleep; William Fox's Nights Spent Viewing Films," *Salt Lake Telegram*, Sept. 12, 1916, 15.
- 129 chose all the stories: Ibid.
- 129 wicker chair . . . green-shaded lamp: Ibid.
- 129 each director about reshoots: Transcript, 43.
- **129 helped edit the footage**: "William Fox Is the 'Man Who Forgets to Sleep,'" *MPN*, Sept. 16, 1916, 1691.
- **129** "has his hand on every detail": "'Punch' Given Picture By Good Titles Known to Fox," *MPN*, Sept. 18, 1915, 75.
- **129 up to fifty reels of film:** Fox Film Corporation, "Interview with William Fox," unpublished, May 1915. NYPL for the Performing Arts, William Fox clipping file.

- **129 approved every foot of film**: "He Forgets to Sleep; William Fox's Nights Spent Viewing Films," 15.
- 129 never received a salary: Transcript, 671.
- 129 "She was in the habit . . . it was Mrs. Fox": Ibid.
- 130 "If there were half a dozen": Ibid., 57.
- 130 stayed at the office as long as he did: Ibid., 43.
- **130 continuously running . . . variety program**: George K. Spoor, "Advocates Return to Short, Varied Program," *New York Morning Telegraph*, July 2, 1916.
- **130 lost about \$2,000**: "The King Is Dead—Long Live the King" *HR*, May 3, 1924, 72.
- **131 "set my hand to the oar"**: Unidentified article. NYPL for the Performing Arts, William Fox clipping file.
- **131 top female star:** "Betty Nansen to Pose for Fox Pictures Here," *MPN*, Dec. 26, 1914, 28.
- **131 muse of the late Henrik Ibsen**: "Betty Nansen Now Ready for Fox Pictures," *MPN*, Jan. 9, 1915, 59.
- **131 originated the role of Hedda Gabler**: "Betty Nansen Likes America," *MPW*, Jan. 16, 1916, 377.
- **131 second Sarah Bernhardt**: "Betty Nansen Is Called the Bernhardt of Moving Pictures," *Cleveland Plain-Dealer*, Apr. 18, 1915, 64.
- 131 forty-one-year-old: Born Mar. 19, 1873.
- **132** "classic works of masters": "About Photoplays and Photo Players," *AS,* Dec. 27, 1914.
- **132 \$25,000 a year**: "Betty Nansen Coming to America," *MPW*, Jan. 2, 1915, 79.
- **132 two and a half times his own 1915 salary**: After taking \$1,000, as his yearly salary with Box Office Attraction, Fox had given himself a raise to \$10,000 and would remain at that pay level for several years.
- **132 bringing several manuscripts:** "Betty Nansen," *NYTR*, Dec. 20, 1914, B4.
- **132 sex drama**: "How Betty Nansen Went to Brooklyn," *NYT*, Jan. 10, 1915, 67.
- **132 December 26, 1914**: "Tree of Light Greets Actress," *NYTR*, Dec. 27, 1914, 10.
- **132 welcoming committee:** "Notes Written on the Screen," *NYT*, Dec. 20, 1914, X9.

- 132 Danish consul: "Danish Actress Arrives," NYT, Dec. 27, 1914, 13.
- **132 large, brightly lit Christmas tree**: "Tree of Light Greets Actress," 10.
- **132 sable cape from Czarina**: "Betty Nansen Now Ready for Fox Pictures," 59.
- 132 forty-six trunks: "How Betty Nansen Went to Brooklyn," 67.
- 132 \$50,000 worth: "Betty Nansen to Pose for Fox Pictures Here," 28.
- **132 reception at the Plaza Hotel**: "News of Plays and Players," *NYTR*, Dec. 21, 1914, 9.
- 133 budgeted only a low-end \$25,000: William Fox deposition, Aug. 6, 1915, *Hilliard v. William Fox Vaudeville Company* (NARA, NYC). Although Fox would advertise that *A Fool There Was* featured \$100,000 worth of costumes as well as sets by Tiffany (*A Fool There Was* ad, *MO*, Jan. 17, 1915, 4), he admitted in a lawsuit over profit-reporting procedures that he had spent only \$25,000 on the entire production. He wasn't alone in his doubts about the movie's prospects. The play's owners had sold him the worldwide movie rights for only \$1 plus a \$1,000 nonrefundable deposit toward 10 percent of the gross receipts.
- 133 "[N] inety-nine percent of the performers": Transcript, 92.
- 133 merely looked into the room: Unpublished Theda Bara autobiography, 109, available at Archives and Rare Books Library, University of Cincinnati. (hereafter "Unpublished Bara autobiography").
- 133 thirty-year-old: Although Theda's birth year was often given as 1892, and although she claimed on her 1920 passport application to have been born on July 20, 1890, U.S. Census records for 1900 show that she was born in July 1885.
- 133 "failed to take much notice": Eve Golden, Vamp: The Rise and Fall of Theda Bara (Vestal, NY: Emprise Publishing, Inc., 1996), 22.
- **134 rent problem . . . "heartbreaking"**: Theda Bara, "How I Became A Film Vampire," *Forum*, June 1919, 725.
- **134 standard beginner's contract . . . three months**: Transcript, 81.
- 134 impressed with her performance: Ibid., 80.
- **134 "Look where my good money's"**: Unpublished Bara autobiography, page number unclear.
- 134 "I could hardly keep myself": Ibid.

- **134 January 1915**: Because Fox Film wasn't officially incorporated until Feb. 1, 1915, the movie was released under the Box Office Attraction banner.
- 135 "the theatrical feeling": Transcript, 80.
- **135 4,900 tickets . . . Portland:** "A Fool There Was Plays to 4,900 Admissions," MPN, Feb. 20, 1915, 36.
- **135 box-office records . . . Dallas**: "Washington Theater," *Dallas Morning News*, Jan. 18, 1915, 5.
- **135** "scared to death": "Theda Bara as She Is in Real Life," unidentified publication, no date. HTC.
- 136 "We have changed our environment": Walter Lippmann, Drift and Mastery: An Attempt to Diagnose the Current Unrest (New York: Mitchell Kennerley, 1914), 153.
- **136 "[W] e had almost all of us forgotten"**: James Truslow Adams, *The Epic of America* (Boston: Little, Brown and Company, 1932), 367.
- 136 stripping Edward José's name . . . "box-office window": Harlowe R. Hoyt, "Vampires No Longer Are Bara's Choice," *CPD*, Dec. 18, 1920, 12.
- **136** "a rebellious girl": Sinclair Lewis, *Main Street* (New York: Barnes & Noble Classics, 2003), 3.
- **136 doing healthy business**: "Three Film Stars Get \$1,000,000 a Year Each," *NYT*, May 27, 1917, 62.
- 136 \$1 million in profits: Ibid.
- **136 "bold and relentless"**: *A Fool There Was* review, *New York Dramatic Mirror*, Jan. 20, 1915, 31.
- **136** "**[P] owerfully absorbing . . . exceedingly excellent**": Peter Milne, review of *A Fool There Was*, *MPN*, Jan. 23, 1915, 47.
- **137 leading lady of the Théâtre Antoine:** "Strong Play to be Shown Here," *Morning Olympian* (Olympia, WA), Mar. 17, 1915, 2.
- **137** "marvelous interpretations": "Paris Actress Sensation in Gotham," *Lexington Herald*, Feb. 4, 1915, 8.
- 137 Berlin and Vienna: "Strong Play to be Shown Here," 2.
- **137 warm, friendly expressions**: "In the Frame of Public Favor," *CPD*, June 27, 1915, 70; "Paris Actress Sensation in Gotham," 8.
- 137 no evidence indicates . . . famous anywhere: Golden, Vamp, 22.
- 137 "I was never able to find out": Transcript, 80.
- 137 O'Neil . . . sole billing: Ibid, 81.

- **137 "pantherish" Iza**: Fox Film ad, "Fox Features—Better Than The Best," 5.
- 137 buyers shunned . . . Secret: Golden, Vamp, 60.
- 137 hereditary mental illness: "Lady Audley in Miss," *Jonesboro Evening Sun* (Jonesboro, AR), Dec. 31, 1915, 4. Although Theda's Lady Audley tried to kill an inconvenient first husband, Fox Film described her role as having "nothing of the vampire" about it. (*Lady Audley's Secret* review, *AC*, Aug. 17, 1915, 5.)
- **138 "women in Montgomery"**: "Manager Smith Returns from Trip to New York," *Montgomery Advertiser* (Montgomery, AL), Aug. 9, 1915, 2.
- **138 the brains of the business**: "Scenario Is Basis of All Good Pictures," —Fox," *MPN*, May 20, 1916, 3076.
- 138 "Fox money bought": Raoul Walsh, Each Man in His Time: The Life Story of a Director (New York: Farrar, Straus and Giroux, 1974), 137.
- 138 twenty-eight-year-old: Born Mar. 11, 1887.
- **138 on orders from Fox . . . Alexandria Hotel**: Walsh, *Each Man in His Time*, 111.
- **138 only about \$100 a week:** Ibid., 112.
- **138 \$400 a week . . . words blurred**: Ibid., 113.
- 138 "Who's backing them—God?": Ibid.
- **139 Montreal resort to film ski-racing**: "Anna Karenina at Rex Tonight," Morning Olympian (Olympia, WA), June 23, 1915, 4.
- **139 Delaney . . . touting her "magnificent"**: "A Lavish Setting For The Great Ansonia Film," *AS*, June 15, 1915, 11.
- **139 "Queen of Emotional Acting"**: "A Fox Feature at Empire Friday," *Jonesboro Daily Tribune* (Jonesboro, AR, Dec. 9, 1915, 3.
- **139** "marks a new epoch": "A Big Feature At Empire Wednesday," *Jonesboro Daily Tribune* (Jonesboro AR), June 23, 1915, 2.
- **139 "no wild sobs"**: "Noted Tragedienne Is Won Over to Movies," *MO*, May 16, 1915, 9.
- **139 spiritual rebirth in snowy Siberia**: "Ben Ali," *Lexington Herald*, July 6, 1915, 6.
- **139 "She is human"**: "Dramatization of *A Woman's Resurrection*," *Duluth News Tribune*, Aug. 29, 1915, 9.
- **139** *Macbeth* and *Othello*: "About Photoplays and Photo Players," *AS*, Jan. 16, 1916, 5.

- **139 nationwide poll of first-run theater owners**: Ibid.
- 139 "[W] hile we appreciate": Ibid.
- **140** "monarch of the movies" . . . "railway magnates": "A Buyer of Brains is this Moving Picture Magnate," *AS*, Mar. 16, 1915, 9.
- **140 "Brother, we aren't"**: Fox Film ad, "The New William Fox Policy," 22.
- **140** "The truth of it . . . WILL make money": Ibid.
- **140 ready to leave anyway**: "Betty Nansen Sails for Copenhagen," *Macon Daily Telegraph* (Macon, GA), July 28, 1915, 8.
- 140 Al Selig and John Goldfrap: Golden, Vamp, 38.
- **140 "Vampire Woman**: "Manager Smith Returns from Trip to New York," 2.
- 140 born in Egypt: Bara, "How I Became a Film Vampire," 717.
- **140 Giuseppe Bara and his French actress wife:** Wallace Franklin, "Purgatory's Ivory Angel," *Photoplay*, Sept. 1915, 69.
- 140 Grand Guignol theater: Ibid.
- **140 green jade, elephants . . . feminism**: "The Frame of Public Favor," *CDT*, Mar. 5, 1916, D3.
- **140 "born on the desert":** "The Call Boy's Chat," *PI*, Sept. 26, 1920, 11.
- 141 "two blocks from the Sphinx": Ibid.
- **141 "The newspaper men left"**: Transcript, 81.
- **141 "I put my fingers . . . Bara is Bara"**: Franklin, "Purgatory's Ivory Angel," 69.
- **141 Egyptian astrology**: "Theda Bara Born Under Influence Of Two Planets," *Pueblo Chieftain* (Pueblo CO), Marc. 26, 1917, 2.
- 141 Greek dancing: "Moving Picture News," MO, Sept. 28, 1916, 8.
- **141 walk in a cemetery before every new role**: "Fox Players Never Fail to Rap on Wood," *New York Morning Telegraph*, Mar. 12, 1916.
- **141 whistling frog**: "News Notes from Movieland," *Montgomery Advertiser* (Montgomery, AL), Feb. 29, 1916, 6.
- **141 "My shape is not beautiful"**: Unpublished Bara autobiography, 113.
- 141 "What do you want" . . . "Fat legs": Ibid.
- **141 "the saving grace of baffling"**: Bara, "How I Became a Film Vampire," 717.
- 141 snakes, skulls, bats, mummies: Ronald Genini, Theda Bara: A

- Biography of the Silent Screen Vamp (Jefferson, NC: McFarland & Company, 1996), 55.
- **141 "My heart is ice . . . beware"**: Fox Film ad, *The Devil's Daughter*, *MPN*, June 19, 1915, 6–7.
- **142 attacked by an angry mob**: Oscar Cooper, review of *Sin*, *MPN*, Oct. 16, 1915, 85.
- **142 trampy Russian peasant girl . . . all a dream**: Jolo, review of *The Serpent, Variety*, Jan. 28, 1916, 23.
- **142 glowing light . . . into the devil**: "Theda Bara Is Proof Devil is Woman, He Says," *CPD*, Mar. 11, 1916, 6.
- **142** *The Devil's Daughter* was based on: George D. Proctor, review of *The Devil's Daughter*, *MPN*, June 26, 1915, 79.
- **142** Wolf-Ferrari's opera *The Jewels of the Madonna*: Herbert Brenon deposition, at 2, FFC-HBFC; *Jewels of the Madonna* review, *NYT*, Oct. 15, 1913, 11.
- **142 performed by New York's Century Opera Company**: *Jewels of the Madonna* review, 11.
- **143 \$30,000 Spanish city . . . Fort Lee**: Golden, *Vamp*, 70.
- **143 cast and crew of five thousand**: "Fox Film Version of Merimee's *Carmen* Completed," *MPN*, Oct. 16, 1915, 51.
- **143 only eighteen days**: "The Old and the New," *NYT*, Sept. 25, 1927, X7.
- **143 "Hold it!" . . . "for love or for money?"**: "Chapter VIII," Drafts and Typescripts 2 Folder, Miriam Cooper Walsh Papers, LOC, Manuscripts Division.
- **143 falling eighty-three feet**: "Fox Film Carmen Full of Novelty," *The State* (Columbia, SC), Nov. 10, 1915, 8.
- **143 Toreador and stuntman Art Jarvis . . . Ausable**: Ibid.
- 143 two complete somersaults . . . never leaving the horse's back: Ibid.
- 143 still photo shows: "Remarkable Photo of Horse and Rider Falling Over Precipice," *Times-Picayune* (New Orleans, LA), Oct. 31, 1915, 56.
- **143 "no fake about it"**: Oscar Cooper, review of *Carmen*, *MPN*, Nov. 13, 1915, 84.
- **143 broken leg . . . horse swam ashore**: "Fox Film Carmen Full of Novelty," 8.
- 143 fined for animal cruelty: "Fined for Movie Cruelty," NYT, Nov. 9,

- 1915, 7.
- **144 Academy of Music . . . and the Riverside**: "Heavy Picture Advertising," *Variety*, Nov. 5, 1915, 26.
- **144 sixty-piece orchestra . . . police detail**: Walsh, *Each Man in His Time*, 132.
- **144 22,300 tickets . . . compared to 20,067**: "News of Plays and Players," *NYTR*, Nov. 3, 1915, 9.
- **144 In Terre Haute . . . plastering posters**: "Two *Carmens* Create Keen Rivalry in Terre Haute," *MPN*, Nov. 20, 1915, 49–50.
- **144 two men dressed as bullfighters**: Charles M. Farrar to National Board of Censors, Nov. 11, 1915. *Carmen*, Box 103, NBR.
- **144** "supremely and resistlessly" . . . "an epoch": Fox Film ad, *Carmen, Variety*, Oct. 29, 1915, 26.
- **144 "Imitation [is] preposterous"**: Ibid., 6–7.
- **144 "mechanically seductive"**: "New York Papers Praise *Carmen*," *MPW*, Nov. 6, 1915, 1116.
- **144 "One thing is sure . . . masterpiece"**: Jolo, review of *Carmen*, *Variety*, Nov. 5, 1915, 22.
- **144 breaking box-office records**: "Theda Bara in *Sapho* Proves Drawing Card," *New York Morning Telegraph*, May 14, 1916.
- **144 "large, bosomy"**: Frances Marion, *Off with Their Heads! A Serio-Comic Tale of Hollywood* (New York: Macmillan, 1972), 43.
- **145 "splendid entertainment if":** "Theda Bara Seen as Juliet of 1916," *NYTR*, Oct. 23, 1916, 7.
- 145 twenty-nine-year-old: Hilliard was born on Oct. 24, 1886.
- **145 "remarkable resemblance" . . . Pinkham**: "Theda Bara Seen as Juliet of 1916," 7.
- **145 "William Shakespeare Fox"**: "Shakespeare Movie Way," *NYT*, Oct. 23, 1916, 10.
- **145 when Romeo kisses her**: *Romeo and Juliet* review, *Wid's Daily*, Oct. 26, 1916, 1053.
- 145 take her to Mantua: "Shakespeare Movie Way," 10.
- 145 "still deeper gloom": Ibid.
- 145 "a pity William Shakespeare": Ibid.
- **145 "does not die gently and pleasantly":** "Theda Bara Seen as Juliet of 1916," 7.
- **145 had made fifty copies . . . audience of about eight hundred thousand:** "Counting Up the People," *Times-Picayune* (New

- Orleans, LA), Jan. 9, 1916, 26.
- **145 "You are a menace":** Theda Bara, "What Is It Like to be a Vampire?" *Charlotte Observer* (Charlotte, NC), Apr. 9, 1916, 29.
- 145 jabbed a hole: Ibid.
- **146 conspicuously bad teeth:** Unpublished Bara autobiography, 110.
- 146 "seem tall and slender": Yezierska, Red Ribbon, 84.
- 146 "really a very nice man": Miriam Cooper, *Dark Lady of the Silents: My Life in Early Hollywood* with Bonnie Herndon (New York:
 Bobbs-Merrill, 1973), 117.
- 146 "not like those fresh guys": Ibid., 144.
- **146** "A man of simple tastes": David A. Brown to the Justice of the District Court of the United States, Apr. 9, 1941, DABP.
- 146 "gracious, cultured woman": Marion, Off with Their Heads!, 36.
- **147** *Thus Spake* . . . **Joseph Conrad**: "Mme. Petrova Interviews," *Shadowland*, Mar.–Apr. 1920, 44.
- 147 listen to music: Franklin "Purgatory's Ivory Angel," 72.
- **147 lived with her parents**: Agnes Smith, "The Confessions of Theda Bara," *Photoplay*, June 1920, 57.
- **147** "timid, shy, precise": Alma Whitaker, "New Theda Bara is Born of Exclusive Society Setting," *LAT*, July 28, 1918, II-2.
- 147 "fine eyes": Unpublished Bara autobiography, 110.
- 147 "like an electric current": Ibid.
- 147 "a personality that is felt": Ibid.
- 147 "natural, assertive": Ibid., 109.
- 147 "After hearing Mr. Fox say": Ibid.
- 147 "keen as a knife": Ibid.
- 147 "If one could open," . . . "a series of ledgers": Ibid., 110.
- 147 understanding of human nature: Ibid., 109.
- 147 "Well, any girl": Ibid.
- 147 she'd appeared in an English comedy: Ibid., 85.
- 148 "The 'comedy' certainly": Ibid.
- 148 "the tomb could not": Ibid.
- 148 "a voice like a whiskey tenor": Ibid.
- **148** "He wanted to close . . . patience gave out": Ibid.
- **148** "Mr. Fox remembered . . . a great laugh": Ibid.
- 148 cast Theda in "good girl" roles: Ibid., 112.
- 148 But Theda insisted: Ibid.
- 148 to film in Quebec: Ibid.

- **148 "inferior" she protested**: Ibid., 140a.
- **148** "However, Mr. Fox urged . . . \$30,000 to \$40,000": Ibid.
- 149 whether Theda was Fox's wife: Ibid., 105.
- 149 waiting until about three months after: Ibid., 109.
- 149 "an actual film drawn over": Ibid., 109-10.
- 149 "as enigmatic as the proverbial": Ibid., 109.
- 149 "I am working for a living": Golden, Vamp, 67.
- **150 gray-blue eyes**: "Farnum Very Healthy," *Atlanta Constitution*, June 18, 1922, C4.
- **150 "Big Bill"**: Harriette Underhill, "A Movie Idol In the Role of A Stage Idol," *NYTR*, Feb. 12, 1922, C4.
- **150 standard for screen violence**: "Genius Under Stress," *NYT*, Nov. 16, 1941, X5.
- **150 two-year contract**: Grace Kingsley, "At the Stage Door," *LAT*, Apr. 2, 1915, III-16.
- 150 \$1,000 per week . . . forty weeks of work: Transcript, 86.
- **151 governor in Iceland:** "The Bondman," Motography, July 8, 1916, 99.
- 151 wants to kill: Ibid.
- **151 rescuing his hated half brother**: "At the Critcher Theater Tonight," *Pueblo Chieftain* (Pueblo, CO), Jan. 22, 1917, 3.
- **151 amid dense fumes . . . keeled over**: "Fox Draws 4 More Directors of Note to His Standard," *MPN*, June 12, 1915, 37.
- **151** *Battle of Hearts*: Hedda Hopper, *From under my Hat* (Garden City, NY: Doubleday, 1952), 83.
- **151 nearly drowned . . . dry clothes**: Gordon Trent, "Farnum Says Goodby to 'Rough Diamond' Roles," *New York Morning Telegraph*, July 5, 1916.
- 151 "A fine, decent gentleman": Transcript, 87.
- **151 nearly 80 percent of the world's movies**: "Los Angeles May Recede from Censorship Stand," *MPN*, Feb. 19, 1916, 977.
- **151 twenty production companies . . . twelve thousand people**: "Film-making Means Millions to Los Angeles," *LAT*, Jan. 1, 1916, III-66.
- 151 Three studios operated exclusively: Ibid.
- **152 its own mayor, police . . . departments**: "The Strangest City in the World," *Scientific American*, Apr. 17, 1915, 365.
- 152 Selig Polyscope studio: Selig, one of the MPPC members, was in

- the process of going broke and had retrenched its moviemaking operations onto the adjoining property, occupied by the Selig Zoo.
- **152 in the Edendale area**: "William Fox 'De Luxe,' Department Ready in 1916," *MPN*, Jan. 8, 1916, 69.
- **152 in December 1915 he sent**: "How Fox Has Expanded, in the West," *MPW*, Jan. 5, 1918, 59.
- **152 a feature a week**: "Fox Still Expanding," *Variety*, Mar. 24, 1916, 22.
- **152** If, after reading . . . dropped the idea: Transcript, 59.
- 152 "natural and human" rather than "mere puppets": Ibid., 58.
- **152 "impressively dominant theme"**: "William Fox Gives Advice to Writers" *Times-Picayune* (New Orleans, LA), Sept. 16, 1917, 61.
- **152 In July 1937 . . . Little Ferry, New Jersey**: "Film Storehouse Swept by Flames," *New York Sun*, July 9, 1937.
- **153 Three violent . . . forty-five minutes**: *The Marble Heart* review, *Wid's Daily*, Mar. 16, 1916, 437.
- **153 cholera epidemic . . . vault**: Lynde Denig, review of *The Unfaithful Wife*, *MPW*, Dec. 18, 1915, 2195.
- **153** "as enthusiastic as a schoolboy": "At the Local Playhouses," *AS*, Nov. 22, 1915.
- **153 gin-soaked . . . blasting them to bits**: "Island of Desire Empire's Feature," Montgomery Advertiser (Montgomery, AL), Dec. 24, 1916, 14.
- **154 eyes gouged out with hot irons**: Oscar Cooper, review of *The Ruling Passion*, *MPN*, Feb. 12, 1916, 866.
- **154 skeleton in a casket**: Fred K. McBrook to National Board of Censorship, Jan. 15, 1916, NBR.
- **154 dead and dying bodies**: Lynde Denig, review of *A Soldier's Oath*, *MPW*, Jan. 1, 1916, 91.
- **154 choking him with a rope**: Harvey F. Thew, review of *The End of the Trail, MPN*, Aug. 19, 1916, 1099.
- **154 118 double exposures . . . leopard**: George D. Proctor, Review of *Wormwood*, *MPN*, June 12, 1915, 67.
- **154** "I crawl through the city . . . sheer alarm": Fox Film ad, *Wormwood*, *MPN*, May 1, 1915, 6–27.
- **154 "Fox chamber of horrors":** "Better Stories Needed for Fox Screen Pictures," *CPD*, Mar. 24, 1916, 6.

- **147** "years of misery": Fox Film ad, *The Battle of Life*, MPN, Dec. 16, 1916, 3746.
- **147 persecuted by the police**: "Gladys Coburn Makes Film Debut," *MPW*, Dec. 16, 1916, 1661.
- **155 father jumps out . . . jail again**: *The Victim* review, *Variety*, Dec. 29, 1916, 21.
- **155 burned in a fire . . . confess**: Ibid.
- **155 alcoholic father . . . as a model**: "Empire to Have Theda Bara Today," *Montgomery Advertiser* (Montgomery, AL), May 7, 1916, 30.
- **155 steals her saintly sister's boyfriends**: "Week's Amusements at the Theatres," *San Jose Mercury News*, Dec. 17, 1916, 17.
- 156 she drowns herself: Jolo, review of *Her Mother's Secret*, *Variety*, Dec. 17, 1915, 18; "*Her Mother's Secret?*, Fox, Stars Ralph Kellard in Strong Drama," *MPN*, Dec. 11, 1915, 72.
- **156 "heritage of shame"**: Fox Film ad, *Sins of Her Parent, MPN*, Nov. 11, 1916, 2928.
- **157 fifteenth-century two-handed sword**: William Ressman Andrews, review of *Should a Mother Tell?*, *MPN*, July 10, 1915, 68.
- **157 husky son of Italy**: Edward Weitzel, review of *Conscience*, *MPW*, Oct. 13, 1917, 251.
- **157 1915 . . . \$3.21 million**: William Fox testimony, SEPH, Part 8, at 3767.
- 157 \$272,401 posted the previous year: Ibid.
- 157 profits totaled \$523,000: Ibid.
- **157** \$4.24 million, with profits of \$365,000: Ibid.
- **157 a concern whose films**: Wid Gunning, "The Sex-Film Problem," *Wid's Daily*, Feb. 17, 1916, 369.
- 157 fastest arrival: Ibid.
- **157 "portraying of indecency or filth"**: John M. Casey to National Board of Censorship, Jan. 31, 1916, NBR.
- **158 "getting a little nauseated"**: Sidney Strong to W. D. McGuire Jr., Feb. 1, 1916, NBR.
- **158 "work an evil influence"**: "Clubwomen in Earnest—Want Good Pictures," *Columbus Daily Enquirer*, June 16, 1916, 8.
- **158 "burned into my consciousness"**: Charles M. Farrar to W. A. Barrett, Dec. 7, 1915, NBR.
- 158 "Revolting," "degenerate drivel": "Better Stories Needed for Fox

- Screen Pictures," 6.
- **158** "American Babylonia": "Daughter of Gods Judges Cities as the Babylons of Today," Tucson Daily Citizen, May 19, 1917, 5.
- **158 "William Fox has some of the best":** "Better Stories Needed for Fox Screen Pictures," 6.
- 158 "The public, especially": Ibid., 6.
- **158 "avoid lurid dramas"**: "Bids \$1,000 Each for 100 Scenarios," *New York Morning Telegraph*, June 18, 1916.
- **159** "disgusting vulgarity" . . . banned the movie: "Theater Man Is Irate," *MO*, Jan. 24, 1916, 15.
- **159 patrol wagon's clanging gong:** "*The Kreutzer Sonata (sic)* at the Orpheum Auditorium," *AS*, Apr. 12, 1915, 8.
- **159 would not renew**: "Picture Theaters to Stop Fox Productions," *Macon Daily Telegram*, Feb. 22, 1916, 9.
- **159 "sensuous love scenes":** "A Fool There Was," Rejections and Cutouts 1914–1917 folder, Box 163, NBR.
- **159 stop filming risqué scenes**: W. D. McGuire Jr. to Mr. Wallace, Fox Film, Feb. 10, 1916, "20th Century Fox, 1915–1926" folder, Box 12, NBR.
- **160 could not be banned as salacious**: W. D. McGuire Jr. to Q. W. Wales, Apr. 10, 1916, "Sin" file, Box 106, NBR.
- **152 "Mr. Fox desires"**: Lloyd Willis to W. D. McGuire, Jr., Sept. 27, 1916, "20th Century Fox, 1915–1926" folder, Box 12. NBR.
- **160 wrote letters . . . brokered meetings**: W. D. McGuire, Jr., to Samuel F. Kingston, May 22, 1917, "20th Century Fox, 1915–1926" folder, Box 12. NBR.
- 160 "There is no company" . . . "educational work": W. D. McGuire Jr. to Winfield R. Sheehan, Oct. 31, 1916, "20th Century Fox, 1915–1926" folder, Box 12. NBR.
- **160 from November 1916 until September 1919**: W. D. McGuire Jr. to Samuel F. Kingston, Nov. 27, 1916; Winfield R. Sheehan to W. D. McGuire Jr., Sept. 17, 1919, NBR.
- **160 "sordid curiosity"**: "Fox Agrees with Bush," *MPW*, Nov. 21. 1914, 1097.
- 160 disapproved of "salacious": Ibid.
- **160 second floor**: Burns Mantle, "They Invite You to Dance Upon the Stage in this New York Theater," *CDT*, Feb. 22, 1914, G2.
- 160 served no liquor: "Model Public Dance Hall," Sunday Oregonian

- (Portland, OR), Dec. 7, 1913, 7.
- **160 "I don't want that kind of money":** "Fox Agrees with Bush," 1097.
- 161 "clean policy": Ibid.
- **161 chaperones and floor managers**: Mantle, "They Invite You to Dance Upon the Stage in this New York Theater," G2.
- **161 plainclothes . . . as large as fifteen hundred**: "Model Public Dance Hall," 7.
- 161 "Please be careful" . . . remove it: Ibid.
- **161 "[O] ur pictures deal with Life"**: Fox Film ad, "The New William Fox Policy," 22.
- **161 "pre-eminently moral"**: "Shadow Stage Vampire Queen at the Ansonia," *AS*, Oct. 18, 1915, 9.
- **161 "wages of sin"**: Lynde Denig, review of *The Unfaithful Wife*, *MPW*, Dec. 18, 1915, 2195.
- **161** "he forgets, like the old Greek voyagers": "Shadow Stage Vampire Queen at the Ansonia," 9.
- **161 "any old catch-penny feature"**: Fox Film ad, "The New William Fox Policy," 22.
- 161 "Doomsday bell sounding": Ibid.
- **162 "a modern problem"**: "The Nigger," Albuquerque Journal, May 20, 1915, 8.
- **162** "millionaire's playhouse" on Central Park: "Object to Play," *Quincy Daily Herald* (Quincy, IL), July 31, 1915. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35.)
- **162 Du Bois found the play unobjectionable:** Mary Childs Nerney to Mrs. Val Do Turner, Apr. 10, 1915. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35.)
- **162 reported budget of \$100,000**: "The Nigger," Albuquerque Journal, May 20, 1915, 8.
- **162** "my gran'mothah was a niggra?": Fox Film ad, *The Nigger*, *MPN*, Feb. 13, 1915, 10–11.
- **163** "**crushed, but not broken . . . manfully**": Fox Film ad, "Fox Features—Better Than The Best," 5.
- 163 "taint," "self sacrifice," "uplifting of the negro": Ibid.
- **163 "fiendish, mouth-frothing"** "Race Question in Features," *Variety*, Mar. 26, 1915, 21.
- 163 "the usual crime": "Some Ministers Object to The Nigger Film

- Play," AS, Apr. 20, 1915, 9.
- **163 chased by bloodhounds**: Mary Childs Nerney to Mrs. Val Do Turner, Apr. 10, 1915. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35).
- **163 whether the subsequent lynching**: Ibid.; "William Farnum in *The Nigger* at the Ansonia," *AS*, Apr. 19, 1915, 8.
- **163 mobs of drunken . . . race riots**: "Some Ministers Object to *The Nigger* Film Play," 9.
- **163** *The New Governor* when it premiered: "The Hippodrome Bill," *NYTR*, Mar. 28, 1915, B4.
- **163 Hippodrome theater on March 29, 1915**: "New Governor Shown," NYTR, Mar. 30, 1915, 9.
- **163 some copies were titled** *The Nigger*: Miller's ad, *LAT*, Apr. 10, 1915, I-6; "*The Nigger*," *Albuquerque Journal*, May 20, 1915, 8.
- **163 In Augusta . . . different movie**: "Flim-Flammed by Film Company," *NYTR*, Mar. 17, 1915, 1.
- **163 idea soon withered**: "Film Which Caused Protest in Augusta To Be Shown Here," *Atlanta Constitution*, Mar. 18, 1915, 12.
- **163 prevent exhibition of** *The Nigger*: "Flim-Flammed by Film Company," 1.
- **163 near-riot occurred**: Jacob J. Kalter, "Film, *The Nigger*, Causes Near Riot," *Moving Picture World*, May 29, 1915, 1481.
- 163 arrested the two protesters: Ibid.
- **163 likely to incite racial prejudice**: John P. Flannagan, "Picture Offends Negroes," *MPW*, Apr. 17, 1915, 428.
- **163 Anaconda, Montana**: "Some Ministers Object to *The Nigger* Film Play," 9.
- 163 Newport, Rhode Island: "Bars *The Nigger*," *New Bedford Evening Standard*, June 5, 1915. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35.)
- **163 to Gary, Indiana**: "Mr. Griffith Killed in Gary," *Chicago Defender*, undated. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35.)
- 163 New Bedford, Massachusetts: "Commend Action," New Bedford Evening Standard, June 7, 1915. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35.)
- **164 state of Ohio . . . revoked the movie's permit**: "Governor of Ohio Protects Black Citizens," *Chicago Defender*, Apr. 17, 1915,

- **164 Pittsburgh also banned**: "Protest in Smoky City," *MPW*, July 10, 1915, 359.
- **164 "I pray to God," . . . "There is nothing but"**: "Mr. Griffith Killed in Gary."
- **164 "sympathetic to the colored man"**: Mary Childs Nerney to Mrs. Mattie J. Burress, Sept. 8, 1915, (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35).
- **164 "Motive for all crimes laid to drink"**: Mary Childs Nerney to Mrs. Val Do Turner, Apr. 13, 1915. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35).
- **164 "really outrageous"**: Mary Childs Nerney to Mrs. Mattie J. Burress, Sept. 8, 1915. (Papers of the NAACP, Microfilm, Part 11, Series A, Reel 35).
- **164 scrapped film footage . . . new story**: Transcript, 95.
- 164 The aunts became grandmothers: Ibid., 95–96.
- 164 "It was previewed": USPWF, 56.
- **164 probably A Woman's Honor**: "Fox Has Collins Film," *Variety*, May 5, 1916, 21.
- 164 "Well, Mr. Fox . . . the hell is it?": George Stevens Jr.,

 Conversations with the Great Moviemakers of Hollywood's Golden

 Age (New York: Alfred A. Knopf, 2006), 26–27.
- 165 "I knew the actor's habits": Transcript, 70.
- 165 On the set of *Princess* . . . praised O'Neil's acting: Ibid., 98.
- 165 "Mantell did not know": Ibid., 181.
- **165** "She was supposed to be happy . . . will not sneer": Ibid., 84.
- 165 Suratt walked off: Ibid.
- **166 90 percent complete . . . ready for release**: Ibid.
- **166** "What is this rubbish" . . . "obedient performers we had": Ibid., 84–85.
- 166 he'd enjoyed nothing more: Transcript, 58.

CHAPTER 13: A DAUGHTER OF THE GODS (1916)

- **167 "buried under an imposing pile"**: "Great Production of Fox to Show," *Times-Picayune*, Nov. 26, 1916, 45.
- **167 "respect and attention"**: William Fox, "William Fox Makes Demand for Recognition of Brains in Production of Best Photodramatic Features," *Times-Picayune*, May 14, 1916, 45.

- **167 Galsworthy, Maeterlinck**: Ibid.; "Wants to Be a Judge," *AS,* July 17, 1916, 4.
- **168 fifth-largest industry**: "Five Million Dollar Motion Picture Industry in United States Ranks Next to Steel," *Trenton Sunday Times-Advertiser*, Mar. 26, 1916, 22.
- 168 \$500 million . . . ten million Americans: "At Least \$500,000,000 Invested in 'Movies'," *NYT*, Jan. 2, 1916, 108. Another estimate in 1915 stated that fifteen million people attended the movies daily; that may have been a worldwide figure ("Vastness of Film Industry Discussed by a Noted Bank," *MPH*, Oct. 30, 1915, 11).
- **168 Nineteen fifteen was the pivotal year:** "Comment and Suggestion," *New York Dramatic Mirror*, Jan. 1, 1916, 22.
- **168** "How soon will we have": Wid Gunning, "Films and Film Folk," *Wid's Daily*, Nov. 25, 1915.
- **168** "only to make it possible": "Sheehan Helps Boost Prices," *MPW*, May 22, 1915, 1238.
- **168 jotted down a list**: "Why William Fox Dared Spend \$1,000,000 on Film Without a Single Rival," *Montgomery Advertiser* (Montgomery, AL), July 24, 1916, 5.
- 168 "so gigantic" . . . rival it: Ibid.
- **169 Brenon . . . hired in early 1915**: Herbert Brenon deposition, at 1, FFC-HBFC.
- **169 Morning Telegraph music critic**: "Why Herbert Brenon Did Not Become a Soldier," *New York Morning Telegraph*, June 25, 1916.
- **169 power to pay cast and crew members**: Herbert Brenon deposition, at 2, FFC-HBFC.
- **169 entertained Brenon frequently on his houseboat**: Herbert Brenon to William Laidlaw, Oct. 15, 1951, 2, HBP.
- **169** "a friendship almost emotional . . . Fox gave him": Randolph Bartlett, "Brenon—the Man," *Photoplay*, Mar. 1918, 75.
- **169 Pittsburgh real estate firm**: "Brenon Proves Himself a Screen Generalissimo," *MPN*, May 20, 1916, 3073; "Why Herbert Brenon Did Not Become a Soldier."
- **169 literary salons . . . Parnell:** "Mrs. Frances Brenon Dies on Coast at 82," *NYT*, July 14, 1931, 22.
- **170 dying of kidney disease . . . 1915**: "Algernon St. John-Brenon," *NYT*, Dec. 20, 1915, 11.

- 170 blue-eyed, with wavy brown hair: Emily Gibson, *The Original Million Dollar Mermaid: The Annette Kellerman Story* with Barbara Firth (Sydney, Australia: Allen and Unwin, 2005), 138. In her own time, the actress spelled her name "Kellermann."
- 170 "Fox's little baby . . . would do anything": Ibid., 131.
- **170 In early 1915, Brenon pitched**: "Brenon Proves Himself a Screen Generalissimo," *MPN*, May 20, 1916, 3073.
- **170 in Bermuda . . . more than two hundred**: "Annette Kellermann," *Atlanta Constitution*, May 4, 1916, 12.
- **170 seven-reel... more than six months**: "Brenon Leaves Fox," *New York Dramatic Mirror*, July 22, 1916, 22.
- **170 known as "The Diving Venus"**: "Annette Kellerman Is Signed by William Fox," *MPN*, July 17, 1915, 90.
- **170 Instantly he agreed . . . as much money as necessary**: "Brenon Proves Himself a Screen Generalissimo," 3073.
- **170** "**If any other director . . . entirely aside**": William Fox to Herbert Brenon, Nov. 16, 1915, at 6, FFC-HBFC.
- 171 "like imbeciles": Gibson, The Original Million Dollar Mermaid, 131.
- **171 \$1,500 a week, twice Brenon's:** "Mr. Brenon Asks \$50,000 of Mr. Fox," *New York Herald*, Aug. 15, 1916.
- **171** "entirely too dangerous": Gibson, *The Original Million Dollar Mermaid*, 136.
- **171** "a very prosaic": Photo caption, *New York Morning Telegraph*, Oct. 8, 1916, 7.
- **171** "Cast your eyes about . . . business end of this industry": "Brenon Proves Himself a Screen Generalissimo," 3073.
- **171 lush landscape**: "One Million-Dollar Photoplay to Be Masterpiece Made by William A. (*sic*) Fox," *Times-Picayune*, Dec. 5, 1915, 56.
- **171 under martial law**: "Fox Company Gingers Up Languid Jamaica Natives," *MPN*, Nov. 20, 1915, 47.
- **171 decline in tourism**: "Natives Made Rich," *Boston Daily Globe,* Jan. 7, 1917, 151.
- **171 authorities offered to help Fox Film**: "Brenon Marshals Fox Forces for 3d Week in Jamaica," *MPN*, Oct. 9, 1915, 76.
- **171 pay only \$1.50... telephone equipment**: "Jamaica Officials Receive Fox Companies Royally," *MPN*, Oct. 2, 1915, 49.
- 171 engineers, electricians, and sanitarians: "Brenon Proves Himself

- a Screen Generalissimo," 3073.
- **172 acres of raw jungle:** "Fox Company Gingers Up Languid Jamaica Natives," 47.
- **172 diverting the Roaring River**: "One Thousand Jamaica Children as Gnomes in a Fox," *MPN*, Feb. 5, 1916, 676.
- **172 to create a waterfall**: "Torrent Turned and Hills Razed to Produce Kellermann Picture," *SFC*, Jan. 7, 1917, 26; "Thrills in Every 1,000 Feet of Kellermann Film," *MPN*, June 24, 1916, 3925.
- **172 razing a range of hills**: "Torrent Turned and Hills Razed to Produce Kellermann Picture," 26.
- **172 arrived in Jamaica in late August 1915**: "Jamaica Officials Receive Fox Companies Royally," *MPN*, Oct. 2, 1915, 49.
- **172 Fort Augusta, near Kingston:** "Big Spectacle to Open the Forsyth," *Atlanta Constitution*, Sept. 23, 1917, C8.
- **172 Taj Mahal–style**: "Kellerman (*sic*) In New Photoplay," *Boston Daily Globe*, Jan. 16, 1917, 9.
- **172 slave market, mosques, minarets**: "Fox Kinetic Expert Unhampered by Jamaica Climate," *MPN*, Dec. 11, 1915, 58.
- **172 battlements and fortifications**: "Fox Company Gingers Up Languid Jamaica Natives," 47.
- 172 sixty-five miles across the island: Ibid.
- 172 at St. Ann's Bay: "Natives Made Rich," 151.
- **172 giant toadstools and miniature thatched huts**: "One Thousand Jamaica Children as Gnomes in a Fox," 676.
- 172 one thousand local children: Ibid.
- **172 "Dwarf City" . . . bantam chickens**: "New Coney Dazzles Its Record Multitude," *NYT*, May 15, 1904, 3.
- **172 an abandoned King Street movie theater:** "First 3 Companies for Kellermann Film in Jamaica," *MPN*, Sept. 25, 1915, 64.
- **172 \$5,000 ice plant . . . film processing**: "Fox Kinetic Expert Unhampered by Jamaica Climate," 58.
- **172 Rose Gardens resort hotel**: "Brenon Marshals Fox Forces for 3d Week in Jamaica," 76.
- **172 officials signed the lease**: "Jamaica Officials Receive Fox Companies Royally," 49.
- **172 entire Osborne Hotel**: "Fox Company Gingers Up Languid Jamaica Natives," 47.
- 172 seven-piece orchestra and a conductor: "Brenon's Kellermann

- Film," Variety, Aug. 13, 1915, 15.
- **172 emotional power of music**: "Notes Written on the Screen," NYT, June 4, 1916, 84.
- 172 more than ten thousand garments: "Brenon Proves Himself a Screen Generalissimo," 3073. The wardrobe supervisor was Irene Lee, mother of Fox child stars Jane and Katherine Lee.
- **172 silk and brocade robes**: "Brenon Marshals Fox Forces for 3d Week in Jamaica," 76.
- 172 pearl-trimmed Indian gowns: "Natives Made Rich," 151.
- **172 more than two hundred**: "Daughter of the Gods," Chicago Defender, Apr. 13, 1918, 6.
- **172 metallic mermaid tails:** "The King of Jamaica," *Photoplay*, July 1916, 137.
- **172 run through his entire supply of gold**: "Jamaica Officials Receive Fox Companies Royally," 49.
- **172 gold coins—\$200,000 worth**: "Undersea City, Ten Acres, for Fox Subject," *MPN*, Sept. 4, 1915, 46.
- 172 shipped down more gold: Ibid.
- **173** "And understand me": "Fox General Manager, Visiting Detroit, Talks of Million-Dollar Kellermann Picture," *MPN*, Sept. 18, 1915, 61.
- **173 cost an estimated \$110,000**: Roy E. Aitken, *The Birth of a Nation Story as Told to Al P. Nelson* (Middleburg, VA: William W. Denlinger, 1965), 46.
- **173** *Birth of a Nation* . . . **\$300,000**: Mark, review of *Birth of a Nation*, *Variety*, Mar. 12, 1915, 23.
- 173 312 brand-new homes: The average price of a new U.S. home in 1915 was \$3,200. See http://www.census.gov/Press-Release/www/releases/archives/facts for features special editions/007276.html.
- 173 at least \$800,000: Variety estimated that Fox spent \$850,000 to make *A Daughter of the Gods* and an additional \$350,000 to market it ("Big Picture Costs and Road Show Profits," Variety, Mar. 18, 1925, 27). In a court deposition, Fox stated that the movie had cost almost \$1 million to produce (William Fox deposition, at 2, FFC-HBFC), and in a press release, he said he'd spent \$908,000 for wages, rentals, and materials ("Just What William Fox's Million Dollar," press release, FFC-HBFC).

- **173 "I cannot say enough"**: "'Punch' Given Picture By Good Titles Known to Fox," *MPN*, Sept. 18, 1915, 75.
- 173 \$750 a week: "Mr. Brenon Asks \$50,000 of Mr. Fox."
- **173 supervise other directors**: William Fox to Herbert Brenon, Nov. 9, 1915, at 3, 5, FFC-HBFC.
- 173 "Come down and help . . . your duty": Ibid., 2.
- 173 Thousands of employees . . . "every minute": Ibid.
- 173 three subpar movies . . . on the shelf: Ibid.
- 173 complete confidence in Brenon: Ibid., 3.
- 173 "I want you to believe . . . I intend": Ibid., 1.
- **174 "get under the surface"**: Herbert Brenon to William Laidlaw, Oct. 15, 1951, 2, HBP.
- **174 Calling himself "Director General"**: "Brenon Marshals Fox Forces for 3d Week in Jamaica," 76.
- **174 dictated a new synopsis to his secretary**: Minola De Pass deposition, FFC-HBFC.
- 174 set that synopsis aside as well: Ibid.
- **174** "begin with the great moment": "Brenon Does Not Work from Scenario, Only Synopsis," *MPN*, Mar. 11, 1916, 1456.
- **174 recovered his characteristic enthusiasm**: William Fox to Herbert Brenon, Nov. 9, 1915, at 1, FFC-HBFC.
- **174 Griffith . . . neglected his own work**: William Fox to Herbert Brenon, Nov. 16, 1915, at 3–4, FFC-HBFC.
- 174 "leaves the field entirely open": Ibid., 4.
- **174 eight lions . . . \$200 a day**: William Fox to Herbert Brenon, Nov. 9, 1915, at 4, FFC-HBFC.
- 174 "When ordering your animals . . . your own judgment": Ibid.
- 174 "Shipped today eight swans . . . other four": Ibid., 6
- 174 in Philadelphia . . . next available boat: Ibid.
- **174 fastest and best-trained horses**: "Brenon Proves Himself a Screen Generalissimo," 3073.
- **175 ten alligators . . . flock of sparrows**: "The King of Jamaica," *Photoplay*, July 1916, 137.
- **175 entire department and hired Fred Warren**: William Fox to Herbert Brenon, telegram, Sept. 1, 1915, FFC-HBFC.
- **175** "Have instructed him . . . stop worrying": William Fox to Herbert Brenon, telegram, Sept. 12, 1915, FFC-HBFC.
- 175 submit all A Daughter of the Gods publicity material: Frederick

- B. Warren deposition, FFC-HBFC.
- **175** "the greatest living genius": "This Is the Story of a Man who Dreamed a \$1,000,000 dream—and made it come True," press release, undated, "Exhibits" folder, FFC-HBFC.
- **175** "ain't I like a fairy Godmother": William Fox to Herbert Brenon, Nov. 9, 1915, at 5, FFC-HBFC.
- 175 "Nothing would please me better": Ibid.
- **175** "I think I would have hesitated": William Fox to Herbert Brenon, Nov. 16, 1915, at 4, FFC-HBFC.
- **175 "to sit down with someone"**: William Fox to Herbert Brenon, Nov. 9, 1915, at 1, FFC-HBFC.
- **176 "how great the suspense is"**: William Fox to Herbert Brenon, Nov. 16, 1915, at 2, FFC-HBFC.
- 176 "But, really, my dear Herbert": Ibid.
- 176 "You know best . . . any suggestions": Ibid.
- **176 five-foot megaphone**: F. C. Schang, "Chats with Stage Folk," *NYTR*, Apr. 30, 1916, C4.
- **176 six cameramen filming**: "Brenon Uses 6 Cameras in Taking Kellermann Scenes," *MPN*, May 13, 1916, 2876.
- **176 containing six crocodiles**: Kellermann referred to them as crocodiles; elsewhere, the animals were reported to be alligators.
- **176 with open mouths**: Gibson, *The Original Million Dollar Mermaid*, 138–41.
- **176 fourteen feet long**: "Brenon-Kellermann Company Has Returned From Kingston," *Variety*, Apr. 21, 1916, 24.
- **176 "Gee, those dummies are wonderful!"**: Gibson, *The Original Million Dollar Mermaid*, 142.
- **176 arms bound . . . coral headland**: "Thrills in Every 1,000 Feet of Kellermann Film," 3925.
- **176 twenty-five-foot waves**: "Brenon-Kellermann Company Has Returned From Kingston," 24.
- **176 cuts from her shoulders**: "Thrills in Every 1,000 Feet of Kellermann Film," 3925.
- 176 dragged unconscious from the water: Ibid.
- 176 dived 103 feet off a lighthouse: Ibid.
- 176 wearing a suit of armor . . . fatal proximity: Ibid.
- 176 no older than nine: "One Thousand Jamaica Children as Gnomes

- in a Fox," 676.
- **176 throwing stones . . . with sticks**: "Thrills in Every 1,000 Feet of Kellermann Film," 3925.
- **176** "I had no sense of danger": Gibson, *The Original Million Dollar Mermaid*, 137.
- **177 it was a miracle**: "Brenon-Kellermann Company Has Returned From Kingston," 24.
- **177 Christmas 1915 release**: "Fox General Manager Visiting Detroit, Talks of Million-Dollar Kellermann Picture," 61.
- **177 Gordon Edwards . . . also in Jamaica**: "A Wife's Sacrifice at the Academy," New York Morning Telegraph, Mar. 27, 1916.
- 177 forty-eight-year-old: Edwards was born on June 24, 1867.
- 177 "just as a red rag": Bartlett, "Brenon—the Man," 78.
- **177 argued violently . . . off the set**: Herbert Brenon to William Laidlaw, Nov. 17, 1951, 3, HBP.
- **177 wouldn't be finishing anytime soon**: Gibson, *The Original Million Dollar Mermaid*, 142.
- 177 "fighting like cat and dog": Ibid., 143.
- **177 his wife, Helen**: "Brenon Proves Himself a Screen Generalissimo," 3073.
- **177 leaving his wife . . . at home**: Gibson, *The Original Million Dollar Mermaid*, 138.
- 177 "Brenon's worst enemy" Ibid., 143.
- **177 Heavy rains plagued**: "Jamaica Officials Receive Fox Companies Royally," 49.
- 177 infested with blue-nose . . . 350 pounds: "Daring Swimmers Chased; Annette Kellermann in Danger from Attack," *Aberdeen American* (Aberdeen, SD), Aug. 13, 1916, 13.
- **178 explode dynamite . . . harpoon**: "Some Shark Story!" *PI*, Nov. 5, 1916, 7.
- **178 Stores were open . . . 7 a.m. to 11 p.m.**: "Jamaica Officials Receive Fox Companies Royally," 49.
- 178 average of 7,600 . . . distrust of whites: "Sometimes Forty a Day Wounded in Brenon Fights," 2324; "Twenty a Day Hurt in Jamaica Battle Scenes," *New York Morning Telegraph*, Apr. 16, 1916, 15.
- **178 battle-axes . . . other weapons**: "Sometimes Forty a Day Wounded in Brenon Fights," 2324.

- 178 forty people . . . twenty-seven: Ibid.
- **178 twenty per day**: "Twenty a Day Hurt in Jamaica Battle Scenes," 15; "Sometimes Forty a Day Wounded in Brenon Fights," 2324.
- **178 military costumes**: "Director Brenon Is Jamaican Judge," *New York Morning Telegraph*, Apr. 2, 1916.
- **178 pilfering items . . . from the sets**: "A Daughter of the Gods Divine," New York Dramatic Mirror, Apr. 8, 1916, 27.
- **178 chief magistrate . . . prosecutor**: "Director Brenon Is Jamaican Judge."
- **178 tossed into jail**: "A Daughter of the Gods Divine," 27.
- 178 as mild as swearing: "Director Brenon Is Jamaican Judge."
- **178** "where there is dissension": William Fox to Herbert Brenon, Nov. 16, 1915, at 4, FFC-HBFC.
- 178 as much as \$34,000 a week: "Natives Made Rich," 151.
- **178 every week, a United Fruit Company steamer**: "Fox Kinetic Expert Unhampered by Jamaica Climate," 58.
- **178 more than a thousand tons**: Untitled item, *Toledo Blade*, Dec. 28, year unclear (*New York Sun* morgue, NYPL).
- **178 \$7,000 to have ten camels shipped**: "Millions and More Millions of Movies," press release, undated, "Exhibits" folder, FFC-HBFC.
- 178 camels did five minutes' worth of work: Ibid.
- 179 100 boats . . . eight seconds: Ibid.
- **179 \$250,000 Moorish "white city"**: "Just What William Fox's Million Dollar Kellermann Picture Is," Press release, FFC-HBFC.
- **179 "I have never seen much value"**: William Fox to Herbert Brenon, Nov. 16, 1915, at 6, FFC-HBFC.
- 179 "this city should not be destroyed": Ibid.
- 179 "I draw the attention . . . Management William Fox": Herbert Brenon ad, Variety, Mar. 24, 1916. The same ad, with minor modifications, appeared in: Wid's Daily, Mar. 30, 1916; New York Dramatic Mirror, Apr. 1, 1916; Motion Picture News, Apr. 8, 1916; MPW, Apr. 8, 1916; and Motography, Apr. 15, 1916.
- **179 wrapped up in April 1916**: "Films and Film Folk," *Wid's*, Apr. 20, 1916, 517.
- **179 four or five weeks**: Karl E. Kitchen, "Salt Is Suggested for Stories of Big Pay of Movie Stars," *CPD*, June 20, 1915, 75.
- 179 sunburned: Adam Hull Shirk, "Herbert Brenon Talks of Art and

- the Screen," New York Morning Telegraph, July 9, 1916, 8.
- **179 with open arms**: "Brenon-Kellermann Company Has Returned From Kingston," 24.
- 179 next four weeks editing: Ibid.
- **179 delighted . . . "grasped the director's hand"**: "Stories and Gossip From Motion Picture Expositions," *CPD*, May 7, 1916, 44.
- 179 "so deeply embedded": Bartlett, "Brenon—The Man," 76.
- **180 telling her she was through**: Gibson, *The Original Million Dollar Mermaid*, 144.
- 180 "really heartbroken": Ibid., 144-45.
- **180 would never see him again**: Gibson, *The Original Million Dollar Mermaid*, 144.
- **180 223 reels of film**: "Russian Ballet, Opens This Week" *Hartford Courant*, Oct. 16, 1916, 6.
- **180 more than any filmmaker had ever shot**: "Brenon-Kellermann Company Has Returned From Kingston," 24.
- **180 223,000 feet**: "Fox Points Out Interesting Phases of Kellermann Film," *MPN*, Dec. 8, 1917, 4012.
- **180 his own \$1 million production company**: "Brenon and Fox Clinch," *Variety*, Aug. 4, 1916, 21.
- **180 "do better justice"**: "Brenon and Fox Have Quarrel," *Salt Lake Telegram*, July 23, 1916, 31.
- 180 All one had to do was: "Brenon Leaves Fox," 22.
- **180 "tortures of humiliation" . . . "retaliated"**: Bartlett, "Brenon—the Man," 76.
- 180 arrived on Brenon's intended last day . . . refused to pay: "Brenon and Fox Clinch," 21.
- **180** rewrite all the promotional material . . . substituting his own name: Frederick B. Warren deposition, FFC-HBFC.
- **180 "great imaginative dream"**: "How William Fox Made His Million Dollar Dream Come True," *New York Morning Telegraph*, July 9, 1916, 2.
- 180 in every detail: Ibid.
- **180 directed via daily telegrams**: "Sues William Fox to Get \$500,000," *New York Sun*, Aug. 15, 1916, 6.
- **181 mere errand boy**: "How William Fox Made His Million Dollar Dream Come True," 2.
- 181 "spasmodic" and temperamental: "Movie Directors, Too, Have

- Much Temperament," Salt Lake Telegram, July 2, 1916, 45.
- 181 often postponing production: Ibid.
- **181 was envious of his talent . . . \$500,000**: "Brenon Sues Fox for Half Million," *New York Morning Telegraph*, Aug. 15, 1916.
- 181 missing \$1,500 pay: "Brenon and Fox Clinch," 21.
- 181 forbid Fox Film to release: "Brenon Sues Fox for Half Million."
- 181 appeared as writer and director: "Brenon and Fox Clinch," 21.
- **181 all the department heads**: "Brenon Secures Mme. Nazimova," *New York Morning Telegraph*, July 23, 1916, Motion Picture section, 1.
- 181 quietly for eleven days: "Brenon Fails to Enjoin Fox Film; Sets a Precedent," *New York Morning Telegraph*, Aug. 26, 1916, 1.

 Brenon had filed the lawsuit on Aug. 14, 1916 ("Brenon Sues Fox for Half Million").
- **181 absence of a written contract**: "Brenon Fails to Enjoin Fox," *NYT*, Aug. 26, 1916, 5.
- **181 \$300,000 advertising campaign**: "The \$1,000,000 Motion Picture," *Hartford Courant*, June 4, 1916, X5.
- **181 invitation-only premiere**: By this time, *A Daughter of the Gods* could no longer claim to be the first million-dollar movie—producer and codirector Thomas Ince announced he'd also spent that much on his *Civilization*, released in the spring of 1916.
- **181 huge electric sign . . . diving figure**: "Fox Has Two Big Ones," *Variety*, Oct. 6, 1916, 21.
- **181 Theda Bara . . . Ethel Barrymore**: "Notables at Film Premiere," *New York Dramatic Mirror*, Oct. 28, 1916, 25.
- **181 hopefuls pleading unsuccessfully**: "Kellermann Film Is Spectacular," *New York Morning Telegraph*, Oct. 22, 1916.
- **181 curved colonnade . . . oil paintings**: "Fox Remodels Lyric Theatre," *New York Morning Telegraph*, Oct. 15, 1916, 4.
- **182 false beard . . . second-row seat**: "Kellermann Film Shown at the Lyric," *NYT*, Oct. 18, 1916, 9.
- **182 screen credit as director . . . "supervising director"**: A Daughter of the Gods review, Wid's, Oct. 18, 1916, 1038.
- **182 two and a half hours with an intermission**: "Fox Marine Spectacle Presented in New York," *MPN*, Nov. 4, 1916, 2861.
- **182** "almost kaleidoscopic swiftness": "Daughter of the Gods Is

- Departure," New York Dramatic Mirror, Oct. 28, 1916, 24.
- **182 giant shell by mermaids**: "Marvelous New Kellermann Film Costs \$1,000,000," *Salt Lake Telegram*, July 2, 1916, 44.
- **183 shimmering water**: Untitled item, *Montgomery Advertiser*, Mar. 11, 1917, 22.
- **183 escaping the jaws . . . fin cutting the water**: "Daring Swimmers Chased; Annette Kellermann in Danger from Attack," *Aberdeen American* (Aberdeen, SD), Aug. 13, 1916, 13.
- **183 long shots of Anitia's**: A Daughter of the Gods review, Wid's, 1038.
- **183 twelve hundred warriors**: "Thrills in Every 1,000 Feet of Kellermann Film," 3925.
- 183 buildings collapsing: "Kellermann Film Is Spectacular."
- **183 smoke and flames**: Thomas C. Kennedy, "Current Reviews of Feature Films," *Colorado Springs Gazette*, Nov. 5, 1916, 21.
- 183 almost entirely outdoors: Schang, "Chats with Stage Folk," C4.
- 183 "smash you in the face": Ibid.
- 183 splashed up over: A Daughter of the Gods review, Wid's, 1038.
- **183 trees swaying . . . on the shore**: Schang, "Chats with Stage Folk," C4.
- **183 painterly sunsets and billowing clouds**: A Daughter of the Gods review, Wid's, 1038.
- **183 tinted . . . natural color**: "Daughter of the Gods Is Departure," 24.
- **183** "perfectly done" dissolves and double exposures: A Daughter of the Gods review, Wid's, 1038.
- **183 crowd of gnomes, changed**: Kennedy, "Current Reviews of Feature Films," 21.
- 183 gasps of awe: "Kellermann Film Is Spectacular."
- **183** "**stupendous** . . . **pageantry**": Jolo, review of *A Daughter of the Gods*, Oct. 20, 1916, 27.
- **183** "shower of magic": "Big Spectacle to Open the Forsyth," C8.
- **183** "We are beguiled": W. Stephen Bush, review of *A Daughter of the Gods, MPW*, Nov. 4, 1916, 673.
- **183 "Its stupendousness"**: "Another Brenon Triumph" ad, *Variety*, Oct. 20, 1916, 28.
- **184 he played** *A Daughter of the Gods*: The movie also opened on Oct. 17, 1916, at Philadelphia's Chestnut Street Opera House and Pittsburgh's Pitt Theatre ("Fox Has Two Big Ones," 21).
- 184 \$15,000 per week: "30 Kellermann Shows," Variety, Nov. 17,

- 1916, 20.
- 184 reminiscent of The Birth of a Nation: Ibid.
- **184** *Birth of a Nation* . . . **stage crew**: "Forty Touring Companies of *Daughter of the Gods*," *MPN*, Nov. 11, 1916, 3008.
- **184 about 10.5 cents . . . 25 cents**: William A. Johnston, "Theatres and Their Admission Prices," *MPN*, Oct. 28, 1916, 2651.
- **184** "best advertised pictures in America": "Fox Points Out Interesting Phases of Kellermann Film," 4012.
- **184 one-piece bathing suit**: "A Picture the Censors Didn't Like," *Pittsburgh Leader*, Nov. 14, 1916.
- **184 "clean and refined spectacle"**: "Why William Fox Dared Spend \$1,000,000 on Film Without a Single Rival," 5.
- **184** "every mother in the world": "A Daughter of the Gods Will Appeal to Best in Us—Fox," MPN, July 29, 1916, 620.
- 184 "sweetness and goodness": Ibid.
- **184 full approval**: "National Board of Review Passes *Daughter of the Gods*," *MPN*, Sept. 16, 1916, 1688.
- **184 consulted frequently:** W. D. McGuire Jr. to "a Member of the General Committee," Aug. 30, 1916. "*Daughter of the Gods*" file, Box 103, NBR.
- **184 Belasco Theatre . . . first wedding anniversary**: "President Wilson Sees *A Daughter of the Gods*," *MPN*, Jan. 6, 1917, 68.
- 184 unusually beautiful: Ibid.
- **184** "meaningless hodge podge": Gibson, *The Original Million Dollar Mermaid*, 152.
- **185 walked out . . . "lasciviousness"**: "Daughter of Gods Judges Cities as the Babylons of Today," Tucson Daily Citizen, May 19, 1917, 5.
- **185 profit . . . of about \$150,000**: "Big Picture Costs and Road Show Profits," 27.
- **185 fewer than a thousand seats**: Fox Film ad, *A Daughter of the Gods*, *MPW*, June 16, 1917, 1723.
- **185 less than a dollar as top admission price**: "Summer Runs of *Daughter of Gods* Planned," *MPN*, June 16, 1917, 3762.
- **185 first ever reviewed by the** *London Times*: "Fox Official Returns," *Motography*, Mar. 24, 1917, 634.
- **185 Chinese-American entrepreneur:** "Sell Foreign Rights to Kellermann Film," *MPW*, Apr. 20, 1918, 397.

- **185 Lewis J. Selznick . . . and Stanley Mastbaum**: "Nazimova in First Brenon Release," *Motography*, Aug. 5, 1916, 299.
- **186 five-year lease on the brand new Ideal**: "Herbert Brenon Leases Plant," *New York Morning Telegraph*, Aug. 6, 1916, 12.
- **185 Grantwood**, New Jersey: "Studios," MPN, Oct. 21, 1916, 158.
- **186 In early August 1916**: "Nazimova Starts In," *Variety*, Aug. 11, 1916, 20.
- **186 \$30,000 for thirty days' work**: "Selling Nazimova Rights," *Variety*, Sept. 8, 1916, 18; James P. Cunningham, "Asides and Interludes," *MPH*, Feb. 22, 1941, 32.
- **186 "This studio means as much"**: "Shadows on the Movie Screens," *NYTR*, Aug. 27, 1916, C4.
- **186 "grave blow"**: Handwritten letter Minola De Pass, Box 2, HBP.
- **186 copyright infringement . . . asked the court**: "Fox-Brenon Lawsuits Fix Status of Film Producers," *Variety*, Oct. 13, 1916, 22.
- **186 intended any deception**: "Injunction Denied Brenon," *NYT*, Oct. 11, 1916, 12.
- **186 farm wife in Scotland . . . battlefield casualty**: Hanford C. Judson, review of *The War Bride's Secret*, *MPW*, Oct. 28, 1916, 534–35.
- **186 only about a week before Brenon . . . November 1 opening:** Herbert Brenon deposition, at 7, FFC-HBFC.
- **186 sued Brenon for \$100,000**: Complaint, at 5, FFC-HBFC.
- **186 "conceived, written"**: Brenon Productions ad, *New York Dramatic Mirror*, July 22, 1916, 25.
- **186 intentionally deceiving the public into thinking**: Complaint, at 3, FFC-HBFC.
- **186 On October 13 . . . temporary injunction**: "Can't Advertise Fox Stars' Names," *New York Morning Telegraph*, Oct. 14, 1916, 1.
- **187 spend \$90,000 to reprint . . . delay the opening**: Herbert Brenon deposition, at 8, FFC-HBFC.
- **187 let Brenon take credit**: "Fox-Brenon Lawsuits Fix Status of Film Producers," 22.
- 187 greater than The Birth: War Brides ad, NYTR, Nov. 30, 1916, 15.
- **187 huge hit**: War Brides review, Wid's, Nov. 16, 1916, 1102.
- **187** "Old stuff": *The War Bride's Secret* review, *New York Clipper*, Oct. 25, 1916, 33.

- **187 unoriginal and slow moving**: Judson, review of *The War Bride's Secret*, 534–35.
- **187 typhoid in January 1917**: "Herbert Brenon Seriously Ill," *Motography*, Jan. 20, 1917, 130.
- **187 denounced War Brides as unpatriotic:** "National Issue When Pennsylvania Calls 3 Films Unpatriotic," *MPN*, May 5, 1917, 2809; "Films Hit by War Censorship," *Motography*, May 5, 1917, 925.
- **187 appendicitis and required an operation**: "Brenon Maps Out Campaign While in Hospital," *MPN*, Oct. 20, 1917, 2748.
- **187 hotheaded**: Herman Bernstein, "The Mad Monk Who Rules Russia Through The Czar," Sept. 17, 1911, SM3.
- **187 the former Sergei Trufanov**: Ellery Rand, "Iliodor Back Again In a New Role," *NYT*, Dec. 3, 1922, 103.
- **188 After failing in his plot . . . to the United States**: Ibid.
- **188 darkly handsome**: Bernstein, "The Mad Monk Who Rules Russia Through The Czar," SM3.
- **188 William A. Brady**: "Brady and Brenon in a Fist Battle," *NYT*, Sept. 7, 1917.
- **188 September 12, 1917**: "Throng at 'Rasputin, the Monk," *NYT*, Sept. 13, 1917.
- **188 "Did a woman totter"**: Fox Film ad, *The Rose of Blood, MPN*, Nov. 17, 1917, 3369.
- **188 \$1,000 for a three-day run**: "Tulsa's Newest Photo-Play House Opens Today," *Tulsa Daily World*, Mar. 14, 1918, 7.
- **188** It was sabotage: Minola De Pass deposition, Oct. 7, 1916, FFC-HBFC.
- **189 Beyfuss . . . disappeared**: Minola De Pass handwritten letter, HBP.
- 189 Narrowly avoiding bankruptcy: Ibid.
- **189 dissolved his company in early 1918**: Brenon Corporation to S. J. Berman, Feb. 2, 1918, HBP.
- **189** "the END of everything": Herbert Brenon to William Laidlaw, Nov. 17, 1951, HBP.
- **189 arrogant about his work, dictatorial**: Herbert Brenon to William Laidlaw, Oct. 11, 1951, and Oct. 15, 1951, HBP.
- **189** "underlings and the jealous sycophants": Herbert Brenon to William Laidlaw, Nov. 17, 1951, HBP.

- **189 Always, Brenon wrote**: Herbert Brenon to William Laidlaw, Oct. 15, 1951, HBP.
- **189 "I DID respect"**: Herbert Brenon to William Laidlaw, Nov. 17, 1951, HBP.

CHAPTER 14: "THE GREATEST SHOWMAN ON EARTH"

- **190** "my greatest ambition": "How Fox, the Exhibitor, Decided Upon 'Standard Pictures'," *MPN*, Aug. 4, 1917, 819; "The New Fox Pictures," *MPW*, Aug. 4, 1917, 804.
- **190 Pure silver . . . more than two tons**: "All That Flickers Isn't Gold!" *Photoplay*, July 1918, 42.
- **190 pledged \$1 million to build**: "'Hall of Fame' in Park for Fox Pictures," *MPN*, Dec. 30, 1916, 4206; "William Fox Plans Screen Mausoleum," *Times-Picayune*, Jan. 7, 1917, 43.
- **190 he commissioned . . . Harbeson**: "William Fox Plans Screen Mausoleum." 43.
- **190 fortress-like structure . . . two granite sphinxes**:"\$1,000,000 Motion Picture Hall of Fame to Store Films for Future Generations," *New York Herald*, Mar. 18, 1917, 8.
- **191 board of trustees . . . public leaders**: "Hall of Fame," 4206; "\$1,000,000 Motion Picture Hall of Fame to Store Films for Future Generations." 8.
- **191 choose ten for inclusion**: "'Hall of Fame', in Park for Fox Pictures," 4206.
- **191 To prevent . . . fireproof vaults**: Ibid.
- 191 sixty-by-one-hundred-foot projection room: "\$1,000,000 Motion Picture Hall of Fame to Store Films for Future Generations," 8.
- **191 library would collect**: "William Fox Plans Screen Mausoleum," 43.
- **191 park acre per 1,745 residents . . . per 206 residents:** "Movie Mausoleum' in Park is Opposed," *NYT*, Dec. 17, 1916, E5.
- **191** *New York Times* . . . "preposterous": "In Central Park, Of Course," *NYT*, Dec. 15, 1916, 12.
- **191 official recognition as an art form**: Frank S. Nugent, "Celluloid Pageant," *NYT*, Jan. 19, 1936, SM8.
- **191 four full floors . . . twenty-three sales offices**: "Wm. Fox Celebrates Two Years' Endeavor," *Times-Picayune*, Dec. 13,

- 1916, 28.
- **191 eighteen acres on both sides of Western Avenue**: "Buffalo Boy Carried Fox Standard Throughout World," *New York Morning Telegraph*, Jan. 2, 1927.
- **192 return to her popular**: Gibson, *The Original Million Dollar Mermaid*, 165.
- **192** \$3,000 a week: "Annette Dives Through Chicago," *Motography*, Jan. 20, 1917, 126.
- **192** "It is not sufficient to arch": E. Arthur Roberts, ed., "News of Photo Plays and Players," *CPD*, Oct. 29, 1915, 8.
- **192 burst out laughing**: Lynde Denig, review of *Destruction*, *MPW*, Jan. 8, 1916, 255.
- **192** "I believe I have beheld": Mae Tinee, "Her Greatest Love Her Worst Film," CDT, Apr. 5, 1917, 10.
- 193 short, schoolgirl dresses: Ibid.
- 193 "If you ever in your life": Ibid.
- **193 directly supervised a team of researchers:** "The 'Movie' as an Industry," *Literary Digest*, Oct. 6, 1917, 61.
- **193 historical records and artifacts**: "50,000 Actors Aid Theda Bara in *Cleopatra*," *Salt Lake Telegram*, Sept. 9, 1917, 44; "The 'Movie' as an Industry," 61.
- 193 sources such as Shakespeare's . . . Life and Times of Cleopatra: "Reference Notes," *Cleopatra* script, courtesy of Phillip Dye.
- **193 Theda herself made frequent visits**: "50,000 Actors Aid Theda Bara in *Cleopatra*," 44.
- **193 scholarly demeanor—"just as fine as silk"**: Kevin Brownlow, *The Parade's Gone By* . . . (Berkeley and Los Angeles: University of California Press, 1968), 378.
- **193** "In all my experience . . . of her time": "Calls Theda Bara The World's Greatest Actress," *Macon Weekly Telegraph*, Mar. 4, 1917, 6.
- **194 desert near the bean fields**: "Cleopatra Plays a Return Date," *Photoplay*, Oct. 1917, 41.
- **194 exact replicas of the Sphinx and the Pyramids**: "The 'Movie' as an Industry," 61.
- **194 interior and exterior . . . granite columns**: "50,000 Actors Aid Theda Bara in *Cleopatra*," 44.
- 194 known as "Nigger Slough": "Fox Takes 3,000 to 'Palace' in

- Nigger Slough," *MPN*, Sept. 8, 1917, 1630. The swampy land got its name in the mid- to late-nineteenth century, evidently after African American Joshua Smart bought it and rented parcels to African American tenant farmers, many of them exslaves (http://blogs.dailybreeze.com/history/2014/11/15/the-plan-for-the-port-of-torrance/; https://
- lacreekfreak.wordpress.com/2008/12/20/searching-for-tom-or-joshua-down-in-dominguez/#comments).
- **194 wild ducks and jackrabbits**: Grace Kingsley, "Studio," *LAT*, July 15, 1917, III-1.
- **194 huge, square stone palace . . . stone steps**: "Fox Takes 3,000 to 'Palace' in Nigger Slough," 1630.
- **194 carved figures . . . reds and oranges**: Ibid.
- **194 250,000 feet of lumber . . . 31 BC:** "Filming of *Cleopatra* Ends With Battle Scene," *MPN*, Sept. 1, 1917, 1454.
- **194 774 fewer reels of film than in 1916**: "Producers Conserve in 1917," *MPN*, Jan. 26, 1918, 542.
- **194 as high as \$75,000**: "50,000 Actors Aid Theda Bara in *Cleopatra*," 44.
- **195 \$7 billion bond bill**: "House Passes \$7,000,000,000 War Loan," *NYT*, Apr. 15, 1917, 1; "Senate Is a Unit For Bond Issue," *NYT*, Apr. 18, 1917, 1.
- **195 \$50 billion . . . \$24 billion**: "National Income of the U.S. Has Reached \$50,000,000,000," *NYT*, Apr. 9, 1917, 1.
- **195 In February 1917 . . . daughters**: Grace Kingsley, "William Fox Arrives," *LAT*, Feb. 23, 1917, II-3.
- **195 first trip to California**: G. P. Von Harleman, "William Fox Arrives in Los Angeles," *MPW*, Mar. 17, 1917, 1782.
- **195 first trip farther west than Buffalo**: "Fox Returns To New York," *MPW*, May 19, 1917, 1102.
- 195 wasn't going to be able to pull off *Cleopatra*: "Les Miserables Turns 'Em Away at the Lyric," MPN, Dec. 29, 1917, 4552.
- **195 cast numbered twenty-five thousand to thirty thousand,:** "Filming of *Cleopatra* Ends With Battle Scene," 1454.
- 195 ten to eighteen cameramen: Ibid.
- **195 chariot races across the sand**: "Theda Bara," *Chicago Defender*, July 13, 1918, 6.
- 195 thousands of spectators who showed up: "Filming of Cleopatra

- Ends With Battle Scene," 1454.
- 195 "drilled and rehearsed": Kingsley, "Studio," III-1.
- 195 refused to posture with a megaphone: Ibid.
- **196 nine weeks . . . three thousand scenes**: "50,000 Actors Aid Theda Bara in *Cleopatra*," 44.
- **196 German spies . . . through Scandinavia**: "Agents of Allies To Help Run Down Spies In America," *NYT*, July 6, 1917, 1–2.
- **196 doctor in Boston . . . foreman:** "Arrests of Spies Check Plotters," *NYT*, Apr. 9, 1917, 1.
- **196 \$2.5 billion worth of fortifications**: "Ask \$2,500,000,000 For Coast Defense; Nation Not Awake To Peril, Says Borah, But Official Washington Is Confident," *NYT*, July 27, 1917, 1.
- 196 eight hundred thousand Americans were under arms:

 "American Forces Under Arms Now Total 809,743," *NYT*, Aug. 6, 1917, 1.
- **196 Pershing led an advance guard**: "Cheering Crowds Greet Pershing Arriving in Paris," *NYT*, June 14, 1917, 1.
- **196 "There is no longer . . . American war"**: "America's War Now Says Borah," *NYT*, July 27, 1917, 1.
- **197 Vienna-born**: "Edward Bernays, 'Father of Public Relations," *NYT*, Mar. 10, 1995, 7.
- **197 Enrico Caruso and the Russian Ballet**: Oral History interview with Edward L. Bernays (1971), 59, CCOHA.
- **197 Fox personally sought . . . \$150 per week**: Edward L. Bernays, *Biography of an Idea: Memoirs of a Public Relations Counsel* (New York: Simon and Schuster, 1965), 147–48.
- 197 "big and powerful": Ibid., 149.
- **197** "emotionalize": "How *Cleopatra* Was Put Over," *MPW*, Dec. 1, 1917, 1350.
- 197 "Egypt's Vampire Queen": Ibid.
- **197** "whom men might easily love": Fox Film ad, "Theda Bara as the Siren 'Cleopatra'," *MPN*, May 12, 1917, 2921.
- 197 "Why did Caesar" . . . "Why did Antony": Ibid.
- 197 "Cleopatra of today" . . . "in Berlin": Ibid.
- **197** invite high school principals . . . "teach ancient history": Bernays, *Biography of an Idea*, 149.
- 197 to milliners and dressmakers . . . "new ideas": Ibid.
- 198 "You have read Plutarch and Shaw": "How Cleopatra Was Put

- Over," 1350.
- 198 Potentially revolutionary: Ibid.
- 198 Fox was heartily pleased: Bernays, Biography of an Idea, 149.
- 198 undershirt and red suspenders . . . dirty breakfast dishes: Ibid.
- 198 "rapidly increasing the number": Ibid., 148.
- 198 "seedy-looking building" on West Forty-Ninth: Ibid., 147.
- **198 relatively new Leavitt Bulding**: Leavitt Realty Co. ad, *NYT*, Jan. 29, 1913, 17.
- **198 In 1917 . . . 130 West Forty-Sixth Street**: "Fox Home Exchange," *MPW*, Apr. 14, 1917, 261.
- **198 work briefly for Sam Goldwyn**: Bernays, *Biography of an Idea*, 150.
- 198 "crude, crass manufacturing": Ibid.
- **198 "torches of freedom":** "Edward Bernays, 'Father of Public Relations,'" 7.
- 198 "a saloon keeper": Bernays, Biography of an Idea, 148.
- 198 thoughtless Winnie Sheehan: Ibid., 149.
- 199 After Sheehan kept him waiting . . . quit: Ibid., 149–50.
- 199 "I told Fox": Ibid.
- **199 October 14, 1917, at the Lyric Theatre**: "Written on the Screen," *NYT*, Oct. 14, 1917.
- **199 "grim business"**: "Wilson Foresees War of Grimness," *NYT*, May 13, 1917, 2.
- **199 "enormous losses" . . . late 1919**: "End of War by Close of 1919 Predicted if America Aids Allies to the Utmost," *NYT*, Apr. 27, 1917.
- **199 two hours and five minutes**: *Cleopatra* review, *Wid's Daily*, Oct. 18, 1917, 663.
- **199 five-minute intermission**: H. U. review of *Cleopatra*, *NYTR*, Oct. 15 1917, 9.
- **199 "Cleopatra triumphs in death"**: *Cleopatra* script, 211, courtesy of Phillip Dye.
- 199 made that point right away: During its first few weeks of release, *Cleopatra* had a slightly different opening sequence, unspecified in reviews. The change was noticed by a *Motion Picture News* reviewer in mid-November 1917 ("Fox Makes Change in One Scene of Bara Feature," *MPN*, Nov. 17, 1917, 3454).
- **199 opening panoramic shot . . . Theda as Cleopatra**: "Fox Makes

- Change in One Scene of Bara Feature," 3454.
- **199 Exiled from her royal palace . . . Caesar:** "Theda Bara as Cleopatra," *AS*, Apr. 2, 1918, 4.
- 200 conquer the entire civilized world: Ibid.
- **200 brother of Antony's abandoned wife**: Edward Weitzel, review of *Cleopatra*, *MPW*, Nov. 3, 1917, 708.
- **200 world's first-known major naval battle**: "Theda Bara as Cleopatra," *AS*, 4.
- **200 filmed at night . . . catapults lobbing fireballs . . . vessels caught flame**: "Filming of *Cleopatra* Ends with Battle Scene,"

 1454.
- 200 he, too, kills himself: Cleopatra review, Wid's Daily, 663.
- **200 shaped like a lion . . . Sphinx motif**: "The Day Among Local Theaters," *Times-Picayune*, Dec. 7, 1918, 2.
- **200 rich rugs and opulent wall hangings**: "Theda Bara as Queen of Nile Now at Strand," *Idaho Daily Statesman* (Boise, ID), Mar. 7, 1918, 5.
- **201 banners, carvings, canopies, and cushions**: Kingsley, "Studio," III-1.
- **201 different outfit in every scene**: Peter Milne, review of *Cleopatra*, *MPN*, Nov. 3, 1917, 3134.
- **201 fifty elaborate ensembles**: "What Did the Ten Seamstresses Do?" *The State* (Columbia, SC), May 14, 1918, 12.
- 201 its own headdress: "The 'Movie' as an Industry," 61.
- **201 set of jewels:** "Theda Bara as Vampire of Old," unidentified Boston newspaper, undated (*Cleopatra* file, Harvard Theatre Collection, Houghton Library, Harvard University).
- **201 large peacock . . . real leopard skin**: "50,000 Actors Aid Theda in *Cleopatra*," 44.
- 201 claiming to have killed both: Ibid.
- **201** "How well I'd look" . . . "I wonder whether": "Theda Bara Here for Entire Week," *Trenton Evening Times*, Aug. 8, 1918, 7.
- **201 visible tan lines . . . "his tanned shoulders"**: *Cleopatra* review, *Wid's Daily*, 663.
- **201** "decided anti-climax" . . . "snake is hardly": Ibid., 664.
- **201 inadequately trained actors as galley slaves**: "Theda Bara as Queen of Nile Now at Strand," 5.
- 201 previously vowed to kill her: "Daring Costumes are Worn by

- Bara," Atlanta Constitution, Mar. 10, 1918, C2.
- **202 borrowed the character from H. Rider Haggard's novel**: Phillip Dye e-mail to the author, Mar. 13, 2017. In the *Cleopatra* script, the character is called Harmachis, but to avoid paying royalties to Haggard, Fox changed the name in the movie. After Haggard sued, Fox paid him £5,000.
- **202 one by Caesar and three by Antony**: "Theda Bara as Queen of Nile Now at Strand," 5.
- 202 Instead, Antony died . . . Octavius, who rejected her: Ibid.
- 202 final blow that drove Cleopatra: Ibid.
- **202 "waving arms aloft"**: *Cleopatra* review, *Boston Herald*, Dec. 16, 1917.
- **202** "much rolling of eyes": "Theda Bara as Cleopatra," *NYT*, Oct. 15, 1917, 10.
- **202 "giving sticky kisses"**: "Theda Bara as Queen of Nile Now at Strand," 5.
- 202 "repulsive" . . . "could never tempt": Golden, Vamp, 142.
- **202** "Miss Bara . . . could not represent": Cleopatra review, Boston Herald.
- **202** "with one accord they remained": *Cleopatra* review, *NYTR*, Oct. 15, 1917, 9.
- **202** "thoroughly successful": "Theda Bara as Cleopatra," *NYT*, 10.
- 203 "make a mint of money": Cleopatra review, Wid's Daily, 663.
- **203 took in \$10,200 . . . fifty thousand tickets**: Fox Film ad, *Cleopatra*, *MPW*, Nov. 10, 1917, 821.
- **203 box office turned away throngs:** "Theda Bara Begins Twenty-seventh Production for Fox," *MPN*, Nov. 17, 1917, 3448.
- **203 To test the broader market**: "Starts *Cleopatra* on Road," *MPN*, Jan. 5, 1918, 102.
- **203 fashionable Belasco Theatre**: "Cleopatra to Put Out Forty Shows," *MPW*, Dec. 29, 1917, 1974.
- **203 In Washington, DC . . . full houses**: "Starts *Cleopatra* on Road," 102.
- **203 total earnings of \$9,100**: "Cleopatra to Put Out Forty Shows," 1974.
- 203 Schenectady . . . two-day run: "Starts Cleopatra on Road," 102.
- **203 Van Curler Opera House**: "Cleopatra to Put Out Forty Shows," 1974.

- 203 sold out for all shows: "Starts Cleopatra on Road," 102.
- 203 earning \$1,951: "Cleopatra to Put Out Forty Shows," 1974.
- **203 Teck Theatre . . . \$9,300**: Ibid.
- **203 outearned** *A Daughter of the Gods*: "Starts *Cleopatra* on Road," 102.
- 203 with forty touring companies: Ibid.
- **203 tried raising ticket prices . . . had to retreat**: "Fox to Increase Admissions This Fall," *MPW*, Aug. 10, 1918, 847.
- **203 on a box-office percentage basis**: "Nineteen 'Cleopatras,' Still Touring the Country," *MPW*, May 11, 1918, 877.
- 203 studio provided a manager: Ibid.
- **204 "would not provide adequate covering":** "Theda Bara as Queen of Nile Now at Strand," 5.
- **204** In Indianapolis . . . snip out many of Cleopatra's love scenes: "Cleo's Censoring Notoriety Hurts Regular Patronage," *Variety*, Mar. 8, 1918, 50.
- 204 Patronage fell off: Ibid., 50.
- **204 Metellus Lucullus Cicero Funkhouser**: "Ask Wilson to Stop War Film Change," *NYT*, Apr. 29, 1918, 11.
- **204 solely on the basis of their titles**: "Seek to Keep Funkhouser Out," *MPN*, June 15, 1918, 3544.
- 204 as long as five weeks: Ibid.
- **204 public danger**: "Funkhouser Hit By George Creel for Ban on Film," *New York Morning Telegraph*, Dec. 10, 1917, 1.
- **204 without any cuts or changes**: "Government Disagrees with Funkhouser," *MPW*, Dec. 22, 1917, 1792.
- **204 sued Funkhouser for \$25,000 in damages**: "Random Reels," *NYTR*, Jan. 6, 1918, C3.
- **204** "stupid to try": "Funkhouser Hit By George Creel for Ban on Film," 1.
- **205 claimed that Creel was on his side**: "Government Disagrees with Funkhouser," 1792.
- **205 more than fifty cuts**: Jas. S. McQuade, "Chicago News Letter," *MPW*, Apr. 27, 1918, 554.
- **205** "without protest" . . . should not see: "Cleopatra Opens Run at Chicago," MPN, June 8, 1918, 3386.
- **205 transferred authority from Funkhouser . . . settle the issue**: McQuade, "Chicago News Letter," 555.

- 205 gave Cleopatra a white . . . in exchange for: Ibid.
- **205 four weeks . . . Colonial Theatre**: "Cleopatra Makes Chicago Hit," *MPN*, June 22, 1918, 3714.
- 205 Every day, large ads . . . remaining three weeks: Ibid.
- **206 5.2 million people:** "Fox Reports Phenomenal Business for *Cleopatra*," *MPW*, Aug. 24, 1918, 1134.
- 206 lost \$521: William Fox to Sol Wurtzel, Mar. 4, 1918, WF-SMW, 38.
- **206 life span of about nine months**: Jack G. Leo, "Greater Scenario Department," *MPW*, July 21, 1917, 382.
- 206 "From an artistic point of view": R. E. Austin, "Theda Bara's Cleopatra is an Enchanter," *Duluth News Tribune*, Jan. 22, 1918, 6.
- **206** "a carefully concealed series of fires": James Card, Seductive Cinema: The Art of Silent Film (New York: Alfred A. Knopf, 1994), 103.
- **207 Slide discovered those frames in 1974**: Anthony Slide, *Nitrate Won't Wait: A History of Film Preservation in the United States* (Jefferson, NC: McFarland & Co., 1992), 85.
- **207** "You cannot": "One Million-Dollar Photoplay to Be Masterpiece Made by William A. (*sic*) Fox," *Times-Picayune*, Dec. 5, 1915, 56.
- **207 outdo** *Cleopatra*: "*Salome* Ranked by William Fox as His Greatest Yet," *MPW*, July 6, 1918, 94.
- **207 never been filmed before**: H. U., review of *Salome*, *NYTR*, Oct. 8, 1918, 13.
- **208** "abominable": "Salome in Opera Fails to Charm," *New York Press*, Jan. 23, 1907.
- 208 "blood curdling": Ibid.
- **208 "moral stench"**: H. E. K., "The Salome of Wilde and Strauss," *NYTR*, Jan. 23, 1907, 7.
- **208 to great acclaim**: "Salome Withdrawn; Conried Fully Yields," NYT, Jan. 31, 1907, 3.
- **208 in Germany more than a year**: "A Case of Belated Conscience," *NYT*, Jan. 29, 1907, 8.
- **208 no second performance . . . "best interests"**: "Take Off *Salome*, Say Opera House Directors," *NYT*, Jan. 27, 1907, 1.
- **200 Jules Massenet's 1878 opera** *Heriodade*: Richard Aldrich, "Manhattan Season Opens with Herodiade," *NYT*, Nov. 7, 1909,

- SM 13.
- **208 as high as \$1.29 million**: "Gulfport Movies," *Daily Herald* (Biloxi, MS), May 5, 1919, 4.
- **208 six months . . . eight hundred artisans . . . Jerusalem**: "Salome Ranked by William Fox as His Greatest Yet," 94.
- **208** "almost exact" replica of the Jaffa Gate: "Notable Sets in Fox's Spectacular Production *Salome*," *MPW*, Apr. 27, 1918, 572.
- **208 two hundred loads of sand**: "Bara's *Salome* in September," *MPN*, July 6, 1918, 88.
- **208 one-hundred-fifty-foot-tall . . . two hundred feet**: "The Holy City Rebuilt," *WP*, Feb. 2, 1919, S9.
- **208 Herod's throne room . . . golden columns**: "Notable Sets in Fox's Spectacular Production *Salome*," 572.
- 208 twenty-five costumes: "Film Favorites," PI, Mar. 9, 1919, 21.
- 208 twenty different headpieces . . . sandals: Ibid.
- **208 cast allegedly numbered three thousand**: Ibid. An earlier report gave the cast size as two thousand ("*Salome* Ranked by William Fox as His Greatest Yet," 94).
- 208 Salomé's menagerie included: "Gulfport Movies," 4; "Theda Bara in Salome at the Empire on Next Wednesday," Montgomery Advertiser, May 4, 1919, 27. Earlier reports stated that Salome had only fourteen camels and five hundred horses, as well as all the rest of the animals ("Bara's Salome in September," 88).
- **208 wooden cross lights up . . . to dust**: Peter Milne, review of *Salome, MPN*, Oct. 19, 1918, 2592.
- 208 ten airplane propellers: "Bara's Salome in September," 88.
- **208** "Balls of fire . . . night sky: "Greatest Effect Ever Filmed Is Seen in Salome," San Jose Mercury Herald, Nov. 24, 1918, 19.
- **209 spiked shields . . . her death**: "Theda Bara Coming," *Olympia Daily Recorder*, Aug. 27, 1918, 4.
- **209 supervised the movie's editing**: "Fox Assembles Negative for *Salome*," *Motography* Apr. 6, 1918, 669.
- **209 Herod's cousin . . . actually his stepdaughter**: K. H. E., "Film Drama on Tale of Salome Shown in Boise," *Idaho Daily Statesman*, Apr. 7, 1919, 3.
- **209 called Marian . . . Herodias in the Bible**: *Salome* review, *Kinematograph and Lantern Weekly* (London, UK), Apr. 3, 1919, 83.

- **209 took place in 40 BC**: K. H. E., "Film Drama on Tale of Salome Shown in Boise," 3; "*Salome* Ranked by William Fox as His Greatest Yet," 94.
- **209 around 5 BC . . . AD 30 or 31**: K. H. E., "Film Drama on Tale of Salome Shown in Boise," 3.
- **209 scrapped at the last minute**: "Union Stage Labor Defiant And Refuses Fox Film Job," *Variety*, Aug. 16, 1918, 12. Unionized stagehands, operators, and musicians went on strike at the Casino and refused to return until Fox agreed to allow the unions into his vaudeville houses. The Shubert brothers, who owned the theater, canceled the *Salome* booking for fear that the dispute would affect patronage at their other theaters.
- **209 late August 1918 in Seattle:** "Salome Slated For a Thousand Houses," MPW, Aug. 31, 1918, 1252.
- 209 more than a thousand theaters nationwide: Ibid.
- **209** New York . . . early October 1918: H. U., review of *Salome*, 13; Edward Weitzel, "Fox's *Salome* Is Big Production," *MPW*, Oct. 19, 1918, 369.
- **209** "scrambled and completely disinfected": "Disinfected *Salome* Is at the Alcazar," *SFC*, Oct. 7, 1918, 3.
- 209 "only a moment": Ibid.
- 209 last three remaining: Ibid.
- 209 may not have been Theda: H. U., review of Salome, 13.
- **209 Fox had Theda and Edwards**: "Defend *Salome*'s Lack of Clothing," *MPW*, Feb. 22, 1919, 1059.
- **209 "pomp and pageantry and tinsel"**: "Theda Bara in Fox Version of *Salome* is Presented Here," *Montgomery* (AL) *Advertiser*, May 8, 1919, 3.
- 209 "The only flaw is": H. U., review of Salome, 13.
- 210 her best performance yet: Salome ad, NYTR, Oct. 15, 1918, 9.
- **210** "utterly and triumphantly": Salome review, Kinematograph and Lantern Weekly, 83.
- **210 five hundred theaters in fifteen foreign countries**: "Fox Sells *Salome* for Fifteen Foreign Nations," *MPW*, Feb. 8, 1919, 734.

CHAPTER 15: MIRROR OF THE MOVIES

211 "greatest living motion picture actor": "The New Fox Pictures," *MPW*, Aug. 4, 1917, 804.

- **211 "profound admiration," . . . "manliness"**: "How Fox, the Exhibitor, Decided Upon 'Standard Pictures," *MPN*, Aug. 4, 1917, 819.
- **212 liberties had been taken . . . distracting**: *The Conqueror* review, *Wid's*, Oct. 25, 1917, 678.
- 213 long admired A Tale: Transcript, 79.
- **213 125-foot-tall replica . . . alehouses**: "Big Sets for *A Tale of Two Cities*," *MPW*, Feb. 10. 1917, 877.
- **213 dual roles in several earlier Fox movies**: "Week's Film Programme Offers Many Big Stars," *NYTR*, Sept. 26, 1915, A8.
- **213 counting as he moved**: Harriette Underhill, "Bashful William Farnum," *NYTR*, Aug. 26, 1917, C4.
- **213** "I do not remember of": A Tale of Two Cities review, Wid's Daily, Mar. 15, 1917, 164.
- **214 Darnay and Lucie with their young son**: A Tale of Two Cities review, Variety, Mar. 16, 1917, 34.
- **214 greatest story next to the Bible**: Fox Film ad, *Les Miserables*, *NYTR*, Dec. 9, 1917, C5.
- **214** "the epic of a soul transfigured": Fox Film ad, *Les Miserables*, *MPN*, Feb. 16, 1918, 934–35.
- **214 film in northern New Jersey**: "Fox Builds Paris for *Les Miserables* Film," *MPN*, Dec. 15, 1917, 4178.
- **214 cobblestones shaped . . . coins from the era were rented**: Ibid.
- **214 eighteen to twenty hours a day**: "Fox's *Les Miserables* Completed," *Motography*, Nov. 3, 1917, 920.
- **214 Fox personally oversaw**: "William Fox Cuts *Les Miserables* Down," *MPN*, Feb. 9, 1918, 853.
- **215 about two-and-a-half hours' running time**: H. U., review of *Les Miserables*, *NYTR*, Dec. 5, 1917, 11.
- 215 December 3, 1917, premiere at the Lyric Theatre: Ibid.
- **215 the following month:** "William Fox Announces New Releases," *MPN*, Feb. 16, 1918, 1013.
- **215 eight-and-a-half reels . . . "one of the most difficult"**: "William Fox Cuts *Les Miserables* Down," 853.
- **215** "the other figures seem rather pale": H. U., review of *Les Miserables*, *NYTR*, Dec. 5, 1917, 11.
- **215** "a blaze of film glory": Fox Film ad, *Les Miserables*, *MPN*, Dec. 15, 1917, 4269.

- **215** "greatest melodramatic screen triumphs": Charles Wesley, Review of *Les Miserables, Motography*, Dec. 22, 1917, 1304.
- **215** Phelps wrote to Fox, "I wish every one": "Professor Lauds *Les Miserables*," *Trenton Evening Times*, Feb. 27, 1918, 7.
- **215** "spirit of revolt": "Drama, Two Striking Feature Films," *New York Call*, Jan. 17, 1918, 4.
- **216** joined Farnum on a fishing trip: "Studio Flashes," *MPW*, Apr. 21, 1917, 432.
- **216 Farnum loaned him money**: Hedda Hopper, "Looking at Hollywood," *CDT*, Apr. 9, 1946, 20.
- **216** "stand by me": William Fox to Sol Wurtzel, June 7, 1918, *WF-SMW*, 48.
- **216 kept a photo of her**: "Big Bill," *Motion Picture Magazine*, Sept. 1920, 102.
- **217 thirty-eight-year-old . . . football captain**: "John L. De Saulles Slain in His Home by Former Wife," *NYT*, Aug. 4, 1917, 1.
- 217 shot five times at close range: Ibid.
- 217 De Saulles disregarded a court order: Ibid.
- 217 hiding behind a hedge . . . Chilean heiress: Ibid.
- 217 "I killed him and I am glad": Ibid.
- **217 affair with a dancer**: Fox Film Corporation ad, *Woman and the Law* ad, *MPN*, Mar. 23, 1918, 1671.
- **217** "notorious Broadway character . . . wife's money: Peter Milne, review of *Woman and the Law*, *Motion Picture News*, Mar. 23, 1918, 1764–765.
- **218 acquitted . . . justifiable homicide**: "Mrs. De Saulles Is Acquitted of Husband's Murder," *NYT*, Dec. 2, 1917, 1.
- **218** "to arouse the public against": "Fox Standard Feature Shows Up Divorce," *MPN*, Apr. 20, 1918, 2288.
- 218 "a good many divorce cases": Ibid.
- **218 in May 1916 had married . . . Laurell:** "Kay Laurell Is Bride of Winnie Sheehan," *NYTR*, May 12, 1916, 9.
- 218 In July 1917 . . . cruelty: "Wife Seeks Separation from Winnie Sheehan," *NYTR*, July 15, 1917, 8. Evidently Sheehan and Laurell, who were married in a Roman Catholic ceremony, never actually divorced. Although she later fell in love with a London businessman and had a son with him in 1927 (she died in childbirth), reportedly she had been unable to marry. A

- 1930 newspaper article refered to her as having been Sheehan's estranged wife ("Kay Laurell Left an Infant Son," *New York Sun,* Oct. 2, 1930).
- **218** "The Grip" . . . "tragedy of womanhood!": Fox Film ad, *The Blindness of Divorce, MPW*, May 4, 1918, 656.
- **218 giant horned devil . . . crying**: Fox Film ad, *The Blindness of Divorce, MPN*, Apr. 6, 1918, 1986–1987.
- 218 "The woman always pays": Ibid., Apr. 13, 1918, 2154.
- **218 only a small profit**: William Fox to Sol Wurtzel, Feb. 13, 1920. *WF-SMW*, 109.
- **218** "pitiless exposé" of marriage: Fox Film ad, *Why I Would Not Marry, MPN*, Oct. 5, 1918, 2121.
- **218 Aided by a clairvoyant . . . suitors**: Why I Would Not Marry review, Exhibitors Herald and Motography, Nov. 30, 1918, 22.
- **218 wealthy banker pushed by**: P. S. Harrison, review of *Why I Would Not Marry*, *MPN*, Dec. 14, 1918, 3594.
- 218 rejects them all, forswears: Ibid.
- **218 starts a store**: Why I Would Not Marry review, Wid's Daily, Nov. 18, 1918.
- **218** *Why I Would* . . . failed: William Fox to Sol Wurtzel, Feb. 13, 1920, *WF-SMW*, 110.
- **219 population of about 170,000, some 6,000**: *The Honor System* theater program, "*The Honor System*" file, Box 105, NBR.
- **219 bought for \$250**: William Fox to Sol Wurtzel, Feb. 13, 1920, *WF-SMW*, 111.
- **219 to pay only \$1,250:** "Judgment Against Fox," *Variety*, May 11, 1917, 29.
- **219 Premiering at the Lyric . . . nearly three hours**: Harriette Underhill, review of *The Honor System*, *NYTR*, Feb. 13, 1917, 13.
- **219 Yuma, Arizona . . . nation's worst**: "Honor System Release at Psychological Moment," MPN, Nov. 11, 1916, 3007.
- **219** "flogged at the stake" . . . maggots: Peter Milne, review of *The Honor System*, MPN, Mar. 3, 1917, 1418.
- **219 cockroaches crawled along**: Victor O. Freeburg, *The Art of Photoplay Making* (New York: Macmillan, 1918), 187.
- **219 on scraps of paper . . . cockroaches**: Harriette Underhill, "Making *The Honor System*," *NYTR*, Apr. 1, 1917, C4; "Honor

- System Comes to the Lyric," unidentified publication, Feb. 13, 1917, HTC.
- 219 "light, airy cells": Milne, review of The Honor System, 1418.
- **219 some of them actual prisoners**: "Prison Reform Has Plea in Photoplay," *Times-Picayune*, Nov. 12, 1916, 39.
- 219 loud applause: Milne, review of The Honor System, 1418.
- **220 intertitles pleading for prison reform**: Jolo, review of *The Honor System*, *Variety*, Feb. 16, 1917, 24.
- **220** "Whoever is . . . justice, honor": *The Honor System* brochure, Miriam Cooper Walsh Papers, Drafts & Typescripts 2, 24. LOC.
- **220 an audience of one hundred thousand**: "Fox Polls the Country," *Variety*, Mar. 16, 1917, 27.
- **220 activate a "public conscience"**: "*The Honor System* Great Success," *MPW*, Mar. 31, 1917, 2133.
- **220 twenty-four-page booklet . . . widest diffusion**: "Fox Polls the Country," 27.
- **220 American Prison Association convention**: "Honor System Release at Psychological Moment," 3007.
- **220 "love and faith," . . . "in the struggle"**: "Amusements," *Olympia Record*, Dec. 21, 1917, 4.
- **220** "sincerity of purpose," . . . "a benefactor": Jolo, review of *The Honor System*, 24.
- **220 \$500,000 in rental fees**: William Fox to Sol Wurtzel, Feb. 13, 1920, *WF-SMW*, 111.
- **221 only Aryans had built**: William E. Leuchtenburg, *The Perils of Prosperity, 1914–1932* (Chicago: University of Chicago Press, 1958), 206.
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CHAPTER 16: "ALL HIS SECRET AMBITION"

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- **232** twenty-six thousand . . . total of fifty thousand: Transcript, 191.
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- 233 only non-Catholic among 100: Ibid., 191.
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- **233 resented being approached**: Felix Warburg to Adolph Lewisohn, Mar. 20, 1918. FMWP.
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- 233 reached its \$5 million goal: Transcript, 191.
- **233 Church authorities called Fox**: David A. Brown to the Justice of the District Court of the United States, Philadelphia, Apr. 9, 1941, 4, DABP.

- 234 none for entertainment: Transcript, 192.
- **234 head of the local Red Cross effort**: "Cornelius Bliss, 74, Financier, is Dead," *NYT*, Apr. 6, 1949, 29.
- 234 already printed the stationery: Transcript, 192.
- **234** "Junior" . . . neighborhood restaurant: John W. Harrington, "John D. Rockefeller, Jr., and What He Means," *NYT*, Oct. 3, 1915, 54.
- 234 "Rockefeller turned around": Transcript, 194.
- 234 others in the room snickered: Ibid.
- 234 "a privilege and honor": Ibid.
- **235 appearances by stars every night**: American Red Cross Benefits ad, *NYTR*, May 19, 1918, C5.
- **235 gala ball . . . Astor**: "Money Flows Into Red Cross Coffers," *MPN*, June 8, 1918, 3385.
- 235 "If you hear an ambulance": Ibid.
- 235 \$1.1 million: Transcript, 197. Technically, the banking industry team, led by Mrs. George F. Baker Jr., wife of the vice president of the First National Bank, led the field with \$1.5 million, but because she had given a \$1 million personal check, she was credited with raising only \$500,000.
- **235** Rockefeller Jr., with \$1,026,000: Transcript, 197.
- 235 wasn't even present: Ibid.
- 235 handwritten congratulatory letter: Ibid., 198.
- **235 that he had no desire to surpass**: Ibid.
- **235 refused to negotiate:** "Hold Rockefeller At Fault in Strike," *NYT*, Aug. 28, 1915, 8.
- **235 pressured the governor of Colorado**: "Walsh Charges All to Rockefeller, Jr.," *NYT*, June 1, 1915, 18; "Hold Rockefeller At Fault in Strike," 8.
- **235 two hundred state troopers**: "45 Dead, 20 Hurt, Score Missing, In Strike War," *NYT*, Apr. 22, 1914, 7.
- 235 fourteen hours on April 20 . . . dynamite: Ibid.
- **236 with their clothes on fire**: Ibid.
- 236 charred debris: Ibid.
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- 236 add patriotic scenes: Transcript, 187.
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- 237 "Germans boobs and brutes": Ibid.
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- **237** one million copies of a sepia-toned portrait . . . "framing": "Fox Has Large Plans for 1918–1919," 825.
- **237 five handsome Allied soldiers**: Fox Film ad, *18 to 45*, *MPN*, Sept. 21, 1918, 1792.
- **238 "People certainly do not want":** "Cut Out the Sobs, Exhibitors Say," *Motography*, Mar. 2, 1918, 393.
- **238 Renowned Pictures Corporation**: Jolo, review of *The Kaiser, Variety*, Mar. 15, 1918, 45.
- **238 terrorizing the world**: *The Kaiser, The Beast of Berlin* review, *Motography*, Mar. 30, 1918, 628; Jolo, review of *The Kaiser*, 45.
- 238 "treated with dramatic license": Jolo, review of The Kaiser, 45.
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- **238 Every night . . . firing range**: "Fox on War Footing," III-1.
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- **239 Biltmore Hotel in New York**: "Fox Convention Brings All Managers," *MPN*, June 22, 1918, 3681.
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- **241 "the proper move"**: William Fox, "An Open Letter to Exhibitors" ad, *MPN*, June 30, 1917, 3987.
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CHAPTER 17: "THE FINEST IN ENTERTAINMENT THE WORLD OVER"

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CHAPTER 18: "THE MAKING OF ME"

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CHAPTER 19: THE END OF THEDA

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CHAPTER 20: EXODUS

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- **279 signed on . . . Mayflower**: Mayflower Photoplay ad, *Variety*, Dec. 26, 1919, 200.
- **279 1,800-foot negative . . . gravel and dirt**: Ibid.; A. H. Giebler, "News of Los Angeles and Vicinity," *MPW*, May 24, 1919, 1161.
- **279 shut down the Sunshine**: "Tremendous Money Interests Reported Backing Big Five," *Variety,* Jan. 31, 1919, 54.
- **280 "waddles . . . like a duck"**: *The Lone Star Ranger* review, *Variety*, June 27, 1919, 45.
- 280 "Farnum gets the money": "Fox," Motography, Apr. 6, 1918.
- **280 other studios came after the actor**: "William Farnum Signs Long Time Fox Contract," *MPW*, Dec. 28, 1918, 1488.

- **280 For four years**: "William Farnum," *Weekly Variety*, June 10, 1953, 83.
- **280 \$10,000 per week . . . fifty-two weeks**: "Highest Paid Star of Past Still Acting," *WP*, June 23, 1935, SS1.
- **280 movies' highest-salaried male dramatic actor**: "William Farnum Signs Long Time Fox Contract," *MPW*, 1488.
- **280 few typed sentences on one small sheet**: "Highest Paid Star of Past Still Acting," SS1.
- **280 the thirty-eight-year-old actor**: Although Mix's birth date is often given as Jan. 6, 1880, on his 1925 U.S. passport application, he listed the date as Jan. 6, 1878, and his birthplace as El Paso, TX.
- 280 "up against it": Walsh, Each Man in His Time, 148.
- 280 wearing a lop-eared . . . boots: Ibid.
- 280 losing his job at the Selig studio: Ibid.
- **280 Carlos . . . wanted to fire Mix**: Transcript, 85–86.
- 280 Mix leaning on a telegraph pole: Ibid., 85.
- 280 "always in a different costume": USPWF, 58.
- 281 insisted his movies would sell: Transcript, 86.
- 281 "a very strong impression": Ibid.
- 281 "We finally sent": Ibid.
- **281 promoted Mix to feature films:** "Tom Mix Becomes Star in William Fox Dramas," *MPN*, Oct. 20, 1917, 2719.
- **281 leaped through a window . . . somersault**: Fame and Fortune review, Wid's Daily, Aug. 24, 1918.
- **281 alongside a passenger train**: Louis Reeves Harrison, review of *Rough Riding Romance, MPW,* Aug. 9, 1919, 883.
- **281 lassoed a fixture . . . roof**: "Mix Does Many Stunts," *MPW*, Aug. 16, 1919, 946.
- **281 through a real plate-glass window**: "Shoots Bullet Under Mix's Tie," *MPW*, Mar. 1, 1919, 1195.
- 281 "That boy Tom Mix": Fame and Fortune, review, Wid's Daily.
- **281 make more of Mix**: "Tom Mix in Twain Story," *Variety*, Aug. 15, 1919, 74.
- **281 Tom Mix drank heavily**: "Divorce Granted to Mrs. Tom Mix," *LAT*, Apr. 20, 1917, I-6.
- 281 Olive Stokes Mix . . . black eye: Ibid.
- 281 "a vastly different man": Sol Wurtzel to William Fox, July 16,

- 1919, WF-SMW, 92-93.
- 281 asked not to be assigned: Ibid., 93.
- **281 without getting approval**: William Fox to Sol Wurtzel, June 23, 1919, *WF-SMW*, 75–76.
- **281 "Your attitude"**: Ibid., 75.
- **281 "I am warning you**": William Fox to Sol Wurtzel, Nov. 6, 1919, *WF-SMW*, 105.
- **281 to let him direct**: William Fox to Sol Wurtzel, June 23, 1919, *WF-SMW*, 76–77.
- **282** "dirty, damnable," . . . "disgrace": William Fox to Sol Wurtzel, Nov. 6, 1919, *WF-SMW*, 105.
- 282 a generous deal: Editors' footnote, in ibid., 104.
- **282 only a renewal . . . "best interests"**: William Fox to Sol Wurtzel, Nov. 6, 1919, *WF–SMW*, 104.
- **282 bid aggressively for Douglas Fairbanks . . . that spring**: "Tremendous Money Interests Reported Backing Big Five," 58.
- **282 tried to hire Buster Keaton . . . only \$250 a week**: Brownlow, *The Parade's Gone By . . . ,* 479.
- **282 Pearl White . . . with Fox in June 1919**: "Pearl White with Fox," *Wid's Daily,* June 19, 1919, 1.
- **282** "dramatic star of power and charm": William Fox, "William Fox Reviews Company's Work for Past Year; Sees 1920 Bigger," *MPW*, Jan. 3, 1920, 94.
- **282 Florodora Sextette showgirl . . . 1906**: "Evelyn Nesbit, 82, Dies in California," *NYT*, Jan. 19, 1967, 1.
- 282 cabaret and vaudeville singer and dancer: Ibid.
- **283** "the heavy handicap": Jolo, review of *Woman, Woman, Variety*, Jan. 31, 1919, 52.
- **283 "Nesbit has a way of evading":** "Polly Perkins Says," *Wid's Daily*, Jan. 17, 1919, 2.
- **283** "dean of motion pictures": "Authors and Directors Who Will Give Entertainments Under the Fox System," *MPW*, July 26, 1919, 509.
- **283 "does not spend a single penny more"**: William Fox to Sol Wurtzel, June 23, 1919, *WF-SMW*, 72–73.
- **283** "The Fox director is not" . . . Fox himself: Fox Film ad, "Fox Films," *MPN*, Nov. 30, 1918, 3157.
- **283 MacBride . . . started in July 1918**: "J. E. MacBride Quits Civil

- Service Board," NYTR, June 8, 1918, 11.
- **283 MacBride . . . assistant to Winnie Sheehan**: "Fox Has Large Plans for 1918–1919," *MPW*, Aug. 10, 1918, 821.
- **283 died in August 1919 of heart disease**: "Jas. E. MacBride, Former Civil Service Head, Dies," *NYTR*, Aug. 15, 1919, 4.
- 283 only thirty-eight: Ibid.
- **283 also died of heart disease**: "John J. White Found Dead," *NYTR*, Jan. 16, 1920, 6.
- 283 in his fifties: Ibid.
- **284 at least until 1919**: "Effect of New Draft on Industry," *MPN*, Sept. 7, 1918, 1515.
- **284 suspend all production . . . beginning on October 14, 1918**: "Influenza Brings Industry to a Halt," *MPN*, Oct. 19, 1918, 2515.
- 284 already ordered about 75 percent: Ibid.
- **284** In Los Angeles . . . \$6 million: "Los Angeles Finally Is Allowed to Reopen," *MPN*, Dec. 7, 1918, 3352.
- **284 dramas of postwar adjustment**: "R. A. Walsh Completes *Every Mother's Son*," *MPN*, Dec. 7, 1918, 3371.
- **284** "epitomize American thought and ideals": Fox Film ad, "After the War—What?" *MPN*, Dec. 7, 1918, 3310.
- **284 became** *Land of the Free*: "Patriotic Film Changes Its Title," *MPN*, Nov. 30, 1918, 3243.
- **284 became** *Every Mother's Son* . . . "a tremendous epic": Fox Film ad, "After the War—What?" 3310.
- **284 stale merchandise**: William Fox to Sol Wurtzel, Feb. 13, 1920, *WF-SMW*, 110.

CHAPTER 21: EVERYTHING CHANGES

- **285** "makeshift days are gone": "The Big Business Era," *MPN*, Aug. 23, 1919, 1600.
- **285 "graphic illustration"**: "Vastness of Film Industry Discussed by a Noted Bank," *MPH*, Oct. 30, 1915, 11.
- 285 fastest growth rate: Ibid.
- **285** marked the entrance of big financial interests: "Drugs, Cigars and 'Movies' To Be Combined in \$25,000,000 Company," *Weekly Drug Markets*, May 24, 1916, 32.
- 285 Thomas F. Ryan . . . \$25 million in new stock: Ibid.

- **285 None of the new stock . . . fund expansion**: "Making of Pictures Is Vitagraph's Only Aim, Say Officers," *MPN*, June 3, 1916, 3415; "Drugs, Cigars, and 'Movies' To Be Combined in \$25,000,000 Company," 32.
- **285 former street railway . . . Ryan's son**: "Making of Pictures Is Vitagraph's Only Aim, Say Officers," 3415.
- **286 reportedly earmarked \$100 million**: "Wholesale Film Combine May Be On Its Final Way," *Variety*, Sept. 14, 1917, 3.
- **286 "hysterical Santa Claus"**: "Wall Street at Present," *Variety*, June 18, 1920, 39.
- **286 more than one billion feet**: "Our Motion-Picture Films Encircling the Earth," *Literary Digest*, Sept. 28, 1918, 78.
- **286 fifteen . . . theaters nationwide**: "Wall St. Edging In," *Wid's Daily*, Dec. 29, 1919, 1–2.
- **286 sixteen thousand theaters**: "Four-Sided Film Battle Hovering over Exhibitors," *Variety*, June 20, 1919, 57.
- 286 \$675 million to \$800 million: "Wall St. Edging In," 2.
- **286** "the softest melon": "Standard Oil Gets Into Game," *Wid's Daily*, June 19, 1918, 1.
- 286 capital much more fluid: "The Big Business Era," 1599.
- **286 Prohibition . . . delicate subject**: W. D. McGuire Jr. to Samuel Kingston, Feb. 1, 1919, NBR-NYPL.
- 286 six years older: Born Jan. 7, 1873.
- **286 Tokay grape district**: Gabler, An Empire of Their Own, 12.
- **286 In April 1912 . . . Farnum**: "Famous Players and Lasky in \$12,500,000 Combine," *MPN*, July 15, 1916, 223–24.
- **287** his father died . . . he was eight: Adolph Zukor, *The Public Is Never Wrong*, with Dale Kramer (New York: G. P. Putnam's Sons, 1953), 29.
- **287 an uncle adopted . . . not him**: Gabler, *An Empire of Their Own*, 13.
- 287 At sixteen he left: Zukor, The Public Is Never Wrong, 14.
- 287 with about forty dollars . . . Orphans' Bureau: Ibid., 32.
- **287** *New York Herald* reported . . . grocery store owner father: "Santa Claus' Zukor," *FD*, May 15, 1923, 1.
- **287 "There comes the pest"**: "The King Is Dead—Long Live the King," *HR*, May 3, 1924, 72.
- 287 seamed, pitted face: Lord Beaverbrook, "A Close-Up," Wid's Daily,

- Apr. 27, 1920, 5.
- 287 well tailored suits . . . poised manners: Ibid.
- 287 "just a distortion of the mouth": Ibid.
- 287 "blazes up into a furnace": Ibid.
- **288** "a man who had been emptied": Gabler, *An Empire of Their Own*, 12.
- **288** "He became a success": Marcus Loew, "Adolph Zukor—The Man As I Know Him," *Variety*, Dec. 1, 1926, 22.
- **288 often said so:** Karl K. Kitchen, "Will Adolph Zukor Corner Photo Play Business of America and Control Industry?," *CPD*, July 13, 1919, 64.
- **288 on June 27, 1916 . . . \$12.5 million corporation**: "Famous Players and Lasky in \$12,500,000 Combine," 223.
- **288 July 19, 1916, as Famous Players–Lasky**: "Famous-Lasky Makes Big Stock Issue," *MPN*, Nov. 8, 1919, 3425.
- 288 Bosworth . . . Morosco Photoplay: Ibid.
- **288 Thomas Ince and Mack Sennett**: "Famous Selling Profitless Theatres as Commission Brings Sherman Law Charge," *Variety*, Sept. 2, 1921, 63.
- **288 After failing . . . Zukor started Artcraft**: Ibid.
- 288 crippled Paramount . . . sold out to FPL: Ibid.
- 288 dissolved the Artcraft . . . banners: Ibid.
- **288 nickname "Art-Graft"**: "Sharpen Your Pencils, Boys!" *Wid's*, Aug. 16, 1917, 517.
- **288 Mary Pickford . . . DeMille**: "Zukor-Lasky Plans," *NYT*, June 23, 1918, 36.
- **289 oppressive monopoly . . . FPL**: "Sharpen Your Pencils, Boys!" 517–18.
- **289 granting subfranchises**: F. D. Klingender and Stuart Legg, *Money Behind the Screen* (London: Lawrence and Wishart, 1937), 67.
- **289 extensive, first class distribution**: "Zukor Defines Stand of Famous Players-Lasky," *MPN*, June 26, 1920, 3.
- 289 "in self-defense": Ibid.
- **289 buy large, first-run theaters**: "What You Goin' to Do About It?" *Wid's*, Sept. 6, 1917, 565.
- **289 Strand, Rialto, Rivoli, Grauman's:** "Rush to Own Film Shows," *Kansas City Star*, Oct. 12, 1919, 30.
- 290 Zukor bought the New York area chain . . . \$750,000: "Moss'

- Booking Office Remains Though Houses Go to Pictures," *Variety*, June 20, 1919, 6; "Moss Combines with Famous Players," *MPW*, June 28, 1919, 1929.
- **290 "Wise Man" . . . "Have you ever stopped":** "What You Goin' to Do About It?" 565.
- **290 \$22 million in net assets . . . \$5 million**: "Plan to Issue \$20,000,000," *NYT*, Oct. 24, 1919, 22.
- 290 \$20 million in new stock . . . half of it: Ibid.
- **290 underwriting by Kuhn, Loeb**: "Zukor Makes Statement," *Variety*, Jan. 16, 1920, 65.
- **290** "particularly healthy financial": "Wall Street Money Pouring Into Show and Film Business," *Variety*, Oct. 24, 1919, 3.
- 290 accept a finance committee: "Plan to Issue \$20,000,000," 22.
- **290 took his company public**: "Loew Interests Completely Reorganized," *New York Clipper*, Oct. 15, 1919, 1.
- **290 issuing 700,000:** "Wall Street Money Pouring Into Show and Film Business," 3.
- 290 members of the Morgan group: Ibid.
- **290 same chemicals used for explosives**: "Industry Is Declared Essential," 1386.
- **290 DuPont . . . raw film stock market**: "Raw Stock Fight Beginning With DuPonts After Eastman," *Variety*, Feb. 20, 1920, 74.
- **290 "Can Wall Street systematize":** "Wall Street and Pictures," *Variety*, Dec. 26, 1919, 226.
- 291 "Are the men who have": Ibid., 225.
- **291 "Fox . . . has always stood alone"**: "Counter Amalgamations Rise Like Mushrooms Over Night," *Variety*, Sept. 21, 1917, 30.
- **291 either to expand his circuit**: "Fox Leases Victoria of St. Louis," *MPW*, July 13, 1918, 216.
- **291 Goldwyn Pictures . . . book all its output**: "William Fox Books Goldwyn Pictures," *Motography*, Sept. 22, 1917, 607; Goldwyn Pictures ad, *MPW*, Sept. 22, 1917, 1795.
- **291 First National circuit threatened**: "Fox Declares War on First National," *Motography*, June 13, 1918, 58.
- **291 2,000-seat Victoria . . . Liberty Theater**: "Fox Leases Victoria of St. Louis," 216.
- **292 broadcast letter to exhibitors nationwide**: "Fox Offers to Buy," *Variety*, July 11, 1919, 66.

- **292 five-year lease on Detroit's Washington Theatre**: "Detroit News Letter," *MPW*, Aug. 23, 1919, 1169.
- **292 acquire about twenty theaters**: "Fox's New Houses," *Variety*, Nov. 21, 1919, 65.
- **292 largest theater in Brooklyn . . . Duryea Place**: "Fox to Erect Brooklyn Theater to Cost \$1,000,000," *NYTR*, Dec. 25, 1919, 21.
- **292 become a major exhibitor**: "Fox After Theaters," *Wid's Daily*, July 10, 1919.
- 292 March 6, 1919: "Fox Sails," Wid's, Mar. 7, 1919, 1.
- **292 "living embodiment"**: "Letter Hints at William Fox's Big Plans," *MPN*, Apr. 26, 1919, 2621.
- 292 promote international harmony: Ibid.
- **292** "What a tragedy it would be": William Fox, "The Art of Film Making," *The Daily Mirror* (London, England), Apr. 9, 1919, 7.
- **292 two weeks in France . . . backdrops**: "France Lures Fox," *LAT*, May 4, 1919, III-13.
- **292** "overleaps boundaries": Fox, "The Art of Film Making," 7.
- **293 ten new sales offices**: "Fox Building New Headquarters," *MPW*, June 7, 1919, 1471.
- **293** "mortified to find" . . . \$70,000: William Fox to Sol Wurtzel, June 23, 1919, *WF-SMW*, 70.
- **293** shoot too much . . . renting cars: Ibid., 71–72.
- **293** "impractical, impossible" . . . "something radically wrong": Ibid., 68–72.
- **293 "wide-eyed innocence" . . . "cherubic smile"**: Grace Kingsley, "Fox Head Tells Plans," *LAT*, Oct. 2, 1919, III-4.
- **293 four phones on his desk**: "Thirty Minutes in Foxland," *MPN*, Dec. 27, 1919, 226.
- **294 "Not for One"**: "Fox Announces Extraordinary Schedule," *MPN*, July 19, 1919, 732.
- **294** *Checkers* . . . at least \$500,000: William Fox to Sol Wurtzel, Feb. 13, 1920, *WF-SMW*, 111.
- **294 burning railway cars tumbling:** "Wm. Fox Leases Road for Wreck," *MPN*, Apr. 26, 1919, 2655.
- **294** "a camera revelation," . . . "beautiful scenes": Fox Film ad, *Evangeline*, *MPN*, Sept. 13, 1919.
- 294 spend as much as \$100,000: Sol Wurtzel to William Fox, May 28,

- 1919, WF-SMW, 46.
- **294 refused because the trip**: Sol Wurtzel to William Fox, May 23, 1918; Fox to Wurtzel, May 24, 1918, *WF-SMW*, 44–46.
- **294** "there is behind all Fox productions": When Fate Decides review, Variety, May 30, 1919, 75.
- **295 75 percent . . . under the age of twenty-four:** "Says Zukor Sought to Dominate Movies," *NYT*, Apr. 28, 1923, 13.
- **295 "only about five sets"**: Tom Hamlin review of *The Web of Chance*, *MPN*, Dec. 27, 1919, 269.
- **295 labeled "New York"**: *The Man Hunter* review, *Wid's Daily*, Feb. 23, 1919, 21.
- **295** "It was a mistake": C. E. Wells, "Plays and Players," *Philadelphia Tribune*, Apr. 20, 1918, 3.
- **295** "the greatest film organization": Fox Film Corporation ad, *Variety*, Aug. 1, 1919, 55.
- **295 to build a \$2.5 million**: "William Fox Forging Ahead Faster During 22nd Year Than Ever Before," *MPW*, May 16, 1925, 327.
- **296 between Fifty-Fifth and Fifty-Sixth**: "Penny Arcade to Theatre Chain," *MPW*, July 12, 1919, 233.
- **296 five thousand employees**: "Safety First Is Idea In William Fox Building," *AS*, July 27, 1919, 17.
- **296 sixteen acres . . . Corona**: "Corona-Flushing 'Film' City for Movie Corporation," *New York Herald*, Jan. 9, 1916, 3. Fox's "film city" would have extended from Jackson Avenue to beyond Astoria Avenue, down to Flushing Bay and from Fifty-First to Fifty-Third Streets.
- **296 leveling the ground**: "Fox Begins Production Under Californian Skies," *MPN*, Dec. 18, 1915, 50.
- **296 \$1 million headquarters**: "Corona-Flushing 'Film' City for Movie Corporation," 3.
- 296 "film city" . . . two thousand employees: Ibid.
- **296 build a street . . . demolish**: "Change Map to Aid 'Film' City," *New York Herald*, Nov. 27, 1916.
- 296 redrawn the map: Ibid.
- **296 Many landlords . . . equipment of other businesses**: "Picture People's Grievances Against Los Angeles Aired," *Variety*, July 2, 1920, 3.
- 296 complaining to the City Council: "Complaint Against Studio Is

- Heard," LAT, Oct. 5, 1917, II-10.
- **296 one-story buildings . . . coal yard:** "Plan Large Studio for Fox Film Corporation," *NYTR*, May 25, 1919, B11.
- **296 tenements and warehouses**: Terry Ramsaye, "Tinker of Fox and Who and Why," *MPH*, Dec. 19, 1931, 11.
- **296 coal restrictions . . . helped drive**: "To Expand Production in East," *MPN*, Apr. 24, 1920, 3708.
- **296 improved technology . . . advantages**: "Is Filmdom Going East?" *Kansas City Star*, Aug. 17, 1919, 18C.
- **297 \$2 million studio . . . Long Island City**: "New Million-Dollar Moving-Picture Studio," *NYT*, Apr. 20, 1919, RE18.
- **297 and Goldwyn Pictures**: "Dupont Interests Band with Goldwyn," 4240.
- 297 Metro began renovating: "To Expand Production in East," 3708.
- **297 large new stage . . . dressing rooms**: Grace Kingsley, "Flashes, Signing New People," *LAT*, Oct. 18, 1919, II-3.
- **297 twenty companies . . . set design:** "Motion-Picture Colony Under One Roof," *Scientific American*, June 21, 1919, 651.
- **297 administrative offices**: "Picture Town Built in Centre of New York," *PI*, June 15, 1919, 20.
- **297 film processing labs**: "Motion-Picture Colony Under One Roof," 651.
- 297 fireproof and waterproof film vaults: Ibid.
- **297 twelve projection rooms:** "A Movie City in Gotham," *Kansas City Star*, June 8, 1919, 14.
- **297 well organized . . . scientifically planned**: "Motion-Picture Colony Under One Roof," 651.
- **297 firewalls . . . fire quickly contained**: "Fox Erecting Big Film Studio Here," *New York Telegraph*, May 28, 1919, 1.
- **297 one hundred feet away from an exit**: "Safety First Is Idea In William Fox Building," 17.
- **297** inclined runways . . . sixty seconds: Ibid.
- 297 fifty-thousand-gallon water tank: Ibid.
- **297 ivory-and-white . . .at cost**: "Restaurant in Fox Building," *MPN*, Sept. 13, 1919, 2243.
- **297 "irritability, nervousness"**: "Perfect Air And Light In Big New Fox Bldg.," *Miami Herald*, July 27, 1919, 2.
- 298 in-house gymnasium: "Motion-Picture Colony Under One Roof,"

- **298 "wash" all the air . . . every five minutes**: "Perfect Air And Light In Big New Fox Bldg.," 2.
- **298 cheaper in New Jersey . . . wartime disruptions**: "Picture Town Built in Centre of New York," 20.
- **298 covered it with American flags**: "Studio Stone Laid," *Wid's Daily*, June 7, 1919, 1.
- **298** "slight illness" . . . Belle Fox: Ibid.
- **298 time capsule . . . A Daughter of the Gods**: "New Fox Film Home Dedicated," *New York Telegraph*, June 7, 1919, 1; "Dedication of New Fox Building," *MPN*, June 21, 1919, 4122.
- 298 *Pathé-Faits Divers* . . . 1908: www.britishpathe.com/pages/history, accessed June 21, 2017.
- 298 **August 1, 1911 . . . Pathé's Weekly**: Pathé Frères ad, *MPW*, July 29, 1911, 179.
- **298** "the new, the different . . . contains": Fox News ad, Variety, Sept. 19, 1919, 53.
- 299 **Fox himself had come up with the idea**: "First Fox News Weekly In Sept.," *MPN*, Aug. 9, 1919, 1248.
- 299 **United Press . . . sixty cameramen**: "Hancock Announces Completion of Staff to Produce Fox News," *Exhibitors Herald*, Sept. 13, 1919, 48.
- **299 on White House stationery**: Fox News ad, *MPN*, Sept. 27, 1919, 2552.
- **299 Dr. Josephine Baker**: "Editor of Fox's 'Better Baby' Series Pleased at Results Obtained," *MPN*, Dec. 6, 1919, 4117.
- **299 69-year-old . . . "no color line"**: H. E. Hancock to Mr. Crawford, Oct. 15, 1919, NBR.
- **299 Fox News lost money**: Edwin C. Hill, "Mr. Sheehan, Genius Extraordinary, Chapter II," *The American Weekly*, Feb. 17, 1946, 20.
- **299 "Any man is bound to win out"**: Fox Film ad, *MPN*, Nov. 23, 1918, 3024.
- **300 low-level clerical job**: Angela Fox Dunn interview with the author.
- **300 rest at a sanatorium**: Allene Talmey, "William Fox: A Portrait," *Outlook and Independent*, July 31, 1929, 544.

CHAPTER 22: A VISIT FROM ROYALTY

- **301 October 12, 1860**: "Prince Keen to See All City Offers," *NYTR*, Nov. 18, 1919, 6.
- **301 dove-gray wallpaper with images of birds**: "Curtain of Time Raised for Prince," *NYTR*, Nov. 20, 1919, 11.
- **301 large oil paintings**: "Fox Host of Britain's Future Ruler," *MPN*, Dec. 6, 1919, 4089.
- 301 canopied chair: "Prince Keen to See All City Offers," 6.
- 301 "didn't guarantee": Transcript, 73.
- **302 fifteen young society women . . . 1860 costumes**: "Curtain of Time Raised for Prince," 11.
- **302 U.S. Navy Recruiting Band**: "Fox Host of Britain's Future Ruler," 4089.
- **302 "God Save the King"**: "Wall Street Halts to Hail the Prince," *NYT*, Nov. 20, 1919, 3.
- **302 eighteen old-timers . . . 1860 event**: "Fox Host of Britain's Future Ruler," 4089.
- 302 group of war heroes: Ibid.
- 302 briefed on protocol: Transcript, 71.
- **302 biting winds that blew sand**: "Prince Tours City As Throngs Cheer," *NYTR*, Nov. 20, 1919, 11.
- **302 morning coat and top hat**: "William Fox Delights In Battles He Fights," *Daily Boston Globe*, July 21, 1929, A46.
- **302 2:15 p.m. . . . Irving Place entrance**: "Fox Host of Britain's Future Ruler," 4089.
- **302 courtly bow . . . "Your Highness"**: Transcript, 71–72.
- **302 boyish friendliness and winning smile:** "When the Prince of Wales Comes to Town," *NYTR*, Nov. 16, 1919, E1.
- 302 "average sort of chap": Transcript, 72.
- 302 black derby hat: "Wall Street Halts to Hail the Prince," 3.
- 302 "Prince, I am happy": Transcript, 72.
- **302 fifteen minutes . . . an hour**: Ibid., 73–74; "Wall Street Halts to Hail the Prince," 3.
- **302 Tossing off his overcoat . . . modern chairs**: "Curtain of Time Raised for Prince," 11; Transcript, 73; "Fox Host of Britain's Future Ruler," 4089.
- 302 shook his head: "Wall Street Halts to Hail the Prince," 3.
- 302 side by side with Fox: "Fox Host of Britain's Future Ruler," 4089.

- 302 laughed loudly: "Curtain of Time," 11.
- **302 Mutt and Jeff cartoon,** *Sound Your A*: "Fox Host of Britain's Future Ruler," 4089.
- **302 lively jazz music**: "Curtain of Time Raised for Prince," 11.
- 302 "As I didn't know them": Transcript, 73.
- **303 arrival in New York the previous day:** "Wall Street Halts to Hail the Prince," 3.
- **303 "fidgeted uncomfortably":** "Curtain of Time Raised for Prince," 11.
- 303 "He was just as human": Transcript, 74.
- 303 included trips to . . . high society ball: "Prince a 'Regular Guy'
 In New York," *Philadelphia Evening Public Ledger*, Nov. 19, 1919,
 2.
- **303** "the hit of the day": "Prince of Wales Visits, West Point" *Philadelphia Evening Public Ledger*, Nov. 20, 1919, 3.

CHAPTER 23: ECLIPSE

- **304** "I know of no condition": O. O. McIntyre, "From the East Side Gutters to the Purple Heights," *Atlanta Constitution*, Oct. 23, 1921, F6.
- **304 big theaters on Broadway . . . up to two dollars**: "Producers Not Troubled by \$2 Picture Special Scare," *Variety*, Apr. 22, 1921, 44.
- **304 Broadhurst, on Forty-Fourth Street**: William Fox, "Today" ad, *NYTR*, Jan. 6, 1921, 10.
- ${\bf 304}$ "Wonderful it was": Over the Hill ad, NYTR, Sept. 20, 1920, 8.
- **304 twenty-four large bronze lions . . . palace**: "10,000 Aid Production of The New *Queen of Sheba*," *NYTR*, Apr. 3, 1921, D4.
- **304** "with smoldering eyes": Brett Page, "Two Photoplays of Rare Quality, *Queen of Sheba*, *Dream Street*, Win Favor," *Duluth News Tribune*, Apr. 24, 1921, 3.
- **304 revolving pillars . . . 150-foot-wide oval track**: "Mammoth Film Production To Be Shown at Orpheum," *Salt Lake Telegram*, Apr. 18, 1922, 17.
- **304 culminating triumph**: "*The Queen of Sheba*, New Fox Spectacle, Opens at the Lyric," *NYTR*, Apr. 10, 1921, B2.
- 304 In late spring . . . in Greece: "Big Films Slated," Wid's Daily, May

- 9, 1921, 1; "William Fox Sends Expedition Abroad; European Production to Begin in Rome," *MPW*, May 21, 1921, 273.
- **305** *Mary, Queen of Scots* . . . Scotland: "William Fox to Produce Abroad," *MPW*, Apr. 2, 1921, 481.
- **305 twelve "special super features" . . . large cities**: Fox Film Corporation ad, *Wid's Daily*, July 17, 1921.
- **305 May 24, 1920**: James Beecroft, "Dedicate Studio at Fox Convention," *Exhibitors Herald*, June 5, 1920, 39.
- **305 ten different features**: McIntyre, "From the East Side Gutters to the Purple Heights," F6.
- **305 new four-story building**: "More Room for Fox," *Wid's Daily*, Dec. 8, 1920, 1.
- **305 first-known film . . . own jokes**: "Is 'Shot' by Cameraman," *MPN*, Mar. 13, 1920, 2536.
- **305 chain of large, elaborate theaters**: "Fox Plans Elaborate Theatre," *MPN*, Jan. 17, 1920, 819.
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- 333 Flynn could prove to himself: Ibid.
- **333** "standing on an apple box" . . . twenty-five-dollar-a-week raise: Oral History of Joseph Ruttenberg © 1972, 35. Courtesy of AFI.
- 333 "every time he saw something nice": Ibid., 70.
- **333 More raises . . . "going places"**: Ibid., 35, 70.

CHAPTER 24: "HUMANITY IS EVERYTHING"

- **334 "Humanity is everything"**: "Silver Wings Bulks Big With Humanity," Aberdeen American (Aberdeen, SD), Nov. 26, 1922, 6.
- **334 new police hospital in Brooklyn**: "Guests Give \$75,000 to Police Hospital," *NYT*, Nov. 13, 1920, 9.
- **334 assistance to European countries**: David A. Brown to the Justice of the District Court of the United States, Philadelphia, Apr. 9, 1941, 6, DABP.
- **334 twenty short films . . . public school teachers**: "Women to Ask Teachers' Pay Bill Be Passed," *NYTR*, Mar. 23, 1920, 13.
- **334 less than window washers . . . no one to teach them**: Ibid.
- **334 passed the state legislature**: "More Pay for Teachers," *NYT*, Apr. 26, 1920, 12.
- **334 policy whereby any church**: Transcript, 202–3. In some years, according to Fox, the value of that service ran as high as \$350,000 (Transcript, 203).
- **334** "I noticed he was rather shocked" . . . to full advantage: Transcript, 203.
- **335 in early 1920s . . . \$25,000 ever year**: Ibid., 606.
- 335 "greatest joy and thrill": Ibid.
- **335** "not unusual to find": Ibid., 606–7.
- 335 buy her a \$40,000 Russian sable coat . . . "sable coats for me": Ibid., 608.
- 335 "See this watch?" . . . "just his way": O. O. McIntyre, "From the

- East Side Gutters to the Purple Heights," *Atlanta Constitution*, Oct. 23, 1921, F6.
- **336 actress Lillian Russell . . . diamond chain**: "Brisk Bids Made For Russell Jewels," *NYT*, Dec. 16, 1922, 23.
- **336 "There was never anything"**: Belle Fox testimony, May 22, 1941, US-DK, at 768.
- **336 "He is not" . . . "magnificence":** McIntyre, "From the East Side Gutters to the Purple Heights," F6.
- **336** "a driving force within him": David A. Brown to District Court of the United States, Philadelphia, Apr. 9, 1941, 14, DABP.
- **336 celebrated July 4... "waving little American flags":** Transcript, 208.
- **337 founder of Temple Rodeph Sholom**: "Mrs. Nicholas Wolf Tauszig," *NYT*, May 29, 1934, 19.
- **337 Dartmouth-educated Tauszig**: "Douglas N. Tauszig," *International Motion Picture Almanac*, 1937-38, 802.
- **337 farmer in the Adirondacks**: Douglas Nicholas Tauszig, World War I draft registration card, www.ancestry.com.
- **337** New York City silk merchant: Douglas N. Tauszig-Caroline Leah Fox marriage license application, Manhattan, #13125, May 16, 1923, New York City Municipal Archives.
- **337 small religious ceremony . . . West Ninety-First Street**: "Miss Carolyn (*sic*) Fox Weds," *NYT*, May 28, 1923, 15.
- **337 cruise to Japan on the SS** *President Lincoln*: Douglas Nicholas Tauszig passport application, Apr. 1923, www.ancestry.com.
- **337 assistant to . . . Jack Leo**: "Schwartz-Fox," *NYT*, Apr. 5, 1924, 15.
- **338 visit to Yosemite**: "Miss Belle Fox Marries in Los Angeles," *MPN*, Apr. 19, 1924, 1747.
- 338 twenty-four-year-old: Ibid.
- **338 lawyer**: Angela Fox Dunn interview with the author.
- **338 Milton Jerome Schwartz:** "Bridegroom Faints as Rite Ends," *LAT*, Apr. 3, 1924, 11.
- 338 only a few weeks: "Miss Belle Fox Marries in Los Angeles," 1747.

 Probably to avoid embarrassment, Fox would tell the *Los Angeles Times* that the young couple had had "a long romance," but several other publications reported the Yosemite trip as the start of their romance.
- 338 pursued the courtship: "William Fox's Daughter Weds in Los

- Angeles," New York Sun, Apr. 5, 1924, 4.
- 338 Belle's twentieth birthday: Ibid.
- 338 in a private suite: "Bridegroom Faints as Rite Ends," 11.
- 338 Rabbi Edgar Magnin: Ibid.
- 338 he fainted: Ibid.
- **338 lived in Los Angeles:** "William Fox's Daughter Weds in Los Angeles," 4.
- **338** "brief" honeymoon: "Bridegroom Faints as Rite Ends," *LAT*, 11.
- 338 "our young people" . . . in New York: Ibid.
- **338 stomach cancer . . . bedridden**: Angela Fox Dunn interview with the author.
- 338 Battle Creek Sanitarium: Ibid.
- **338 hydrotherapy . . . Seventh-Day Adventist–based diet**: F. W. Tuttle, review of *The Original Has This Signature* by Horace B. Powell, in *The Business History Review* 30, no. 3 (Sept. 1956): 353.
- 338 "where people learn to stay well": "The Battle Creek Idea: Dr. John Harvey Kellogg and the Battle Creek Sanitarium," http://www.heritagebattlecreek.org/index.php?
 option = com_content&view = article&id = 95&Itemid = 73.
- **339 "She was always a lady":** Angela Fox Dunn interview with the author.
- **339 similar stint . . . Marc Klaw**: "Dunn Leaving Marc Klaw," *Variety*, Dec. 5, 1919, 16.
- **339 brushed and polished after every wearing**: Dunn, "The Lone Fox," 30–31. AFD.
- **339 upper-class English accent**: Angela Fox Dunn interview with the author.
- **339 Henry K. Dunn was a fake . . . never traveled outside**: Ibid.
- 339 twelve years older: Henry was born on Aug. 4, 1894, according to his World War I draft registration card. Malvina told her children that she was born in 1906, and her California death index listing gives her birth date as Feb. 22, 1906. However, the New York State Census for 1905 lists Malvina as two years old. There are two possibilities. It was not uncommon for Jewish families to give another child the same name as one who had died, so there may have been two Malvinas. Or Malvina may have lied about her age to appear younger. A

- birth certificate could not be found.
- **339 married . . . on August 4, 1923**: "Marriages," *Variety*, Aug. 2, 1923, 9.

CHAPTER 25: THE IRON HORSE (1924)

- 341 "started doing an ordinary picture": Bertrand Tavernier, "Notes of a Press Attaché: John Ford in Paris," originally printed in *Positif* 82 (Mar. 1967): 7–22. Reprinted in *Film Comment* 30, no 4 (July/Aug. 1994): 66, in Gerald Peary, ed., *John Ford Interviews* (Jackson: University Press of Mississippi, 2001), 110.
- **341 location shooting in Dodge, Nevada**: Sol Wurtzel deposition, at 11. NMW-FFC.
- **341 "Jesus, we've got a big picture"**: Axel Madsen, "Ford on Ford 2," interviewed Apr. 4, 1967, in Peary, ed., *John Ford Interviews*, 116.
- **341 offered a story about the migration**: Sol Wurtzel deposition, at 5. NMW-FFC.
- **341 about \$40,000 . . . likely reach \$200,000**: Ibid.
- **341 spent nearly \$800,000 . . . Covered Wagon**: "What a Pity!" *HR*, Apr. 7, 1923.
- **342 broke box-office attendance records**: *The Covered Wagon* ad, *FD*, June 20, 1924, 3.
- **342 \$9 million in gross receipts . . . \$3 million**: "Movie Producers Gauge Public," *WSJ*, Apr. 5, 1924, 3.
- **342 Sol Wurtzel . . . suggested the idea**: Sol Wurtzel deposition, at 5. NMW-FFC.
- 342 synopsis for The Arizona Express: Ibid., 3.
- **342** "after careful consideration" . . . \$150,000: William Fox telegram to Sol Wurtzel, Sept. 5, 1923, 2. Folder 4, NMW-FFC; Sol Wurtzel deposition, at 7. NMW-FFC. A cheaper movie would be made under the title *The Arizona Express*, with a new story altogether.
- **342** "**if carefully planned,**" . . . "**sensational success**": William Fox telegram to Sol Wurtzel, Sept. 5, 1923, 3. Folder 4, NMW-FFC.
- 342 "I charge you with the responsibility": Ibid.
- **342 "very hard boiled and tough"**: John Ford interview, File 29, p. 2. JFP.
- 342 "a smooth talking Mick": Ibid., p. 1.

- **342** "I consider Jack Ford has": William Fox telegram to Sol Wurtzel, Sept. 5, 1923, at 3. Folder 4, NMW-FFC.
- **343 "Ford very enthusiastic"**: Sol M. Wurtzel telegram to William Fox, Sept. 7, 1923. Folder 4, NMW-FFC.
- **343** The Iron Trail: Sol Wurtzel deposition, at 7. NMW-FFC.
- **343 Sheehan culled . . . transcontinental railroads**: Ibid., at 7–8.
- **343 Particularly useful . . . Building**: John Ford deposition, at 47. NMW-FFC.
- 343 May 10, 1869 joining . . . Promontory Point: L. B. Shippee, review of *Building the Pacific Railway* by Edwin L. Sabin in *The Mississippi Valley Historical Review* 7, no. 1 (June 1920): 83.
- **343 The Union Pacific . . . consultant**: Sol Wurtzel deposition, at 9. NMW-FFC.
- **343 Oregon railroad provided . . . equipment**: Ibid., at 8–9.
- **343** Kenyon hammered together a script . . . Wurtzel and Ford: Ibid., at 9.
- 343 Wurtzel suggested the prologue: Ibid.
- 343 "Drill, ye tarriers, drill": John Ford deposition, at 46. NMW-FFC.
- **343 colorful tales . . . "Indian fighting"**: Ibid.
- **343 Kenyon shaped the romance angle**: Sol Wurtzel deposition, at 10. NMW-FFC.
- **343 Indians trying to rope a train**: Ibid., at 9–10.
- 343 Abilene Trail cattle drive: Ibid., at 10.
- **344 "hell on wheels"—transportation of the frontier town**: Ibid., at 10.
- **344 Judge Haller . . . transposition of a real life figure**: Ibid., at 10.
- 344 go to New York for approval: Ibid.,10-11.
- **345 subject to Fox's agreement**: "*The Iron Horse* for Release Early Next Season," *MPW*, May 16, 1925, 342.
- **345** "ninety times if it was necessary": George O'Brien interview, 1, JFP.
- **345 \$125 a week**: Ibid., 10.
- **345** "Gee, I got a job!": Ibid., 11.
- **345 In late December 1923**: David Kiehn, "*The Iron Horse*," San Francisco Silent Film Festivalwebsite, at www.silentfilm.org/archive/the-iron-horse-1924.
- **345** "with ox carts": Madge Bellamy, *A Darling of the Twenties* (Vestal, NY: Vestal Press, 1989), 55.

- **345 several months of filming**: Kiehn, "The Iron Horse."
- 345 "very little change": John Ford deposition, at 45. NMW-FFC.
- **345 did force Ford . . . in the snow**: Ibid.
- 346 "three Irishmen": Ibid.
- 346 supposed to be Irish: Ibid.
- 346 changed one of them into a German: Ibid.
- 346 "about the only place": Ibid.
- **346 chewing on a white handkerchief . . . O'Fearna**: Bellamy, *A Darling of the Twenties*, 58.
- **346 U.S. Cavalry to swoop in**: Sol Wurtzel deposition, at 11. NMW-FFC.
- **346 too expensive . . . Fox ordered the scene**: Ibid., 11–12.
- **346 800 members . . . Texas steers**: Fox Film ad, *The Iron Horse*, *LAT*, May 10, 1925, 21.
- **347 Bellamy didn't recognize him**: Bellamy, *A Darling of the Twenties*, 58.
- **347 He suggested . . . a slapstick scene**: John Ford deposition, at 45. NMW-FFC.
- **347 Ford, who had turned thirty**: He was born Feb. 1, 1894.
- **348** *Iron Door* . . . "a tale of the Western plains": "*Iron Door* at Lyric," *Variety*, July 16, 1924, 17.
- **348 greatest achievement in "all the history"**: Fox Film Corporation ad, *MPN*, Aug. 2, 1924, 559.
- **348 premiere . . . August 28, 1924**: "Broadway Sees the *Iron Horse*," *MPN*, Sept. 13, 1924, 1362.
- 348 "a veritable landslide" . . . worthwhile billboard: "Fox's *Iron Horse* Receives Maximum of Exploitation by Staff of Experts," *New York Morning Telegraph,* Aug. 31, 1924.
- **348 huge signs announcing . . . seaside resorts**: Ibid.
- **348 former army airmen**: "Night Fliers Boost *Iron Horse*," *MPN*, Sept. 20, 1924, 1500.
- **348 \$1,000 per trip . . . thirty nighttime flights**: "Fox's *Iron Horse* Receives Maximum of Exploitation."
- **348 toting an electric sign**: "Broadway Sees the *Iron Horse*," 1362.
- **348 daytime trips skywriting the title**: "Fox's *Iron Horse* Receives Maximum of Exploitation."
- **348 \$1,500 weekly and escalating to \$2,250 weekly**: Scott Eyman, *Print the Legend: The Life and Times of John Ford* (New York:

- Simon & Schuster, 2015 paperback edition), 74.
- **349 Mrs. Feeney was illiterate . . . someone else was paying**: Mary Ford interview, 23, JFP.
- **349 Waldorf . . . in his Rolls-Royce**: Dan Ford, *Pappy: The Life of John Ford* (Englewood Cliffs, NJ: Prentice-Hall, 1979), 33.
- 349 the night before the premiere: Ibid., 33-34.
- 349 "real, real rich kind of living": Mary Ford interview, 21, JFP.
- **349 Mrs. Feeney grumbled . . . "not the least bit impressed"**: Ibid., 22.
- **349 noticing a butler . . . one gulp**: Ford, *Pappy*, 33–34.
- 349 "I remember Mr. Fox": Ibid., 34.
- 349 "the simplest, sweetest people": Mary Ford interview, 21, JFP.
- 349 "getting the bang of their life": Ibid., 22.
- 349 "a grand man" . . . "did everything": Ford, Pappy, 33.
- **349 in a limousine . . . red carpet**: Ibid., 34.
- **349 heads of several railroads . . . Copeland:** "Broadway Sees the *Iron Horse*," 1362.
- **349** "dreary and cold": Fred, review of *The Iron Horse*, *Variety*, Sept. 3, 1924, 23.
- 349 hundreds of yards of blue and gray silk: Ibid.
- 349 "How do you like": Mary Ford interview, 4, JFP.
- **350 "found his great theme"**: Ford, *Pappy*, 34.
- **350 "Laud it to the limit"**: Laurence Reid, review of *The Iron Horse*, *MPN*, Sept. 13, 1924, 1415.
- **350 "Here's one of the sweetest"**: *The Iron Horse* review, *FD*, Sept. 7, 1924, 5.
- **350 "really fine accomplishments"**: Martin B. Dickstein, "Slow Motion," *BDE*, Sept. 7, 1924, 4E.
- **350 "frightfully slipshod"**: Robert E. Sherwood, "The Silent Drama," *Life*, Sept. 25, 1924, 26.
- 350 "makes almost no sense": Ibid.
- **350 1,406-seat Lyric Theatre . . . prices of \$1.65**: "B'way Showing Big Grosses; 3 Films Did \$300,000 On Runs," *Variety*, Sept. 3, 1924, 20.
- **350 uneven business for the first few days:** "N. Y. Film Biz," *Variety*, Sept. 10, 1924, 51.
- **350 selling out at most**: Ibid.
- **350 320,600 people**: Fox Film ad, *The Iron Horse*, *MPN*, Feb. 7, 1925.

- **351 1,800-seat**: "*Iron Horse* Sells Out in Final Week," *Variety,* June 24, 1925, 78.
- **351 installed the** *Collis P. Huntington*: "*Iron Horse* Premiere on Coast," *MPN*, Mar. 14, 1925, 1101.
- 351 Reno, Nevada, Judge Charles E. Bull: Ibid.
- **351 twenty-five Arapahoe and Shoshone Indians**: "Presentations," *Variety*, Mar. 4, 1925, 35.
- **351 ten live acts**: "Pin Prod Takes Forceps' Place in Drama Scene," *LAT*, Apr. 19, 1925, 18.
- **351 Remington paintings . . . gold spike was driven:** "Presentations," 35.
- **351 Charlie Chaplin . . . particularly large crowd**: "Met, \$28,000; *Iron Horse*, \$26,400; Los Angeles House Jump," *Variety*, Mar. 4, 1925, 30.
- **351** "**[T] o make money**": Oral History of Joseph Ruttenberg © 1972, 319, Courtesy of AFI.
- 351 first Fox movie shown: "Presentations," Variety, 35.
- 351 allowed himself to be introduced: Ibid.
- 351 "If I were told to live those days": Mary Ford interview, 25, JFP.
- **352 50 cents to \$1.50 . . . \$26,400**: "Met, \$28,000; *Iron Horse*, \$26,400; Los Angeles House Jump," 30.
- **352 twice the theater's break-even point**: "Inside Stuff on Pictures," *Variety,* Mar. 4, 1925, 34.
- **352 almost every performance . . . \$28,370**: "*Iron Horse* Sells Out in Final Week," 78.
- **352** "[o] ne of the greatest pictures": Fox Film ad, *The Iron Horse*, *FD*, May 31, 1925.
- **352 advertising blizzard . . . balloons**: Fox Film ad, *The Iron Horse*, *MPN*, Mar. 7, 1925.
- **352 lobby displays, oil paintings, folders, and heralds**: Fox Film ad, *The Iron Horse, MPN*, May 9, 1925, 2131.
- **352 book, cigar, and drugstores**: "Smashing Campaign on Wm. Fox Special, *The Iron Horse*, at Keith's Cleveland," *MPW*, Aug. 1, 1925, 571.
- 352 life-size papier-mâché horse . . . log cabin: Ibid.
- 352 gave away ten thousand bookmarks: Ibid.
- **352 railway and subway . . . two million fake:** "Two Million Teasers for Iron Horse in Paris," *MPW*, Jan. 23, 1926, 352.

- 352 Hotel signs . . . railway booking office: Ibid.
- 352 broke attendance records . . . since 1907: Ibid.
- **352 grossed an estimated \$2–\$3 million**: Peter Cowie, *John Ford and the American West* (New York: Harry N. Abrams, 2004), 39.
- 352 \$3 million: Davis, John Ford, Hollywood's Old Master, 57.
- **352 most financially successful year**: Roy Crandall, "Fox—and William Fox," *Variety*, Apr. 28, 1926, 42.

CHAPTER 26: RENEWAL

- **357 "Courage and Confidence"**: Fox Film ad, "1926 Fox 1927," *Variety,* Apr. 28, 1926, 3.
- **357 eliminate all "hokum and unreality":** "Fox Plans 'Best Minds' Board," *MPN*, Jan. 17, 1925, 2424.
- 357 Eugene O'Neill . . . literary acquisitions: Ibid.
- **357 "They never use hokum"**: Danny [Joe Dannenberg], "Hokum," *FD*, Jan. 11, 1925, 1.
- 357 "delightfully intriguing character": Ibid.
- **358 on January 24, 1925**: Janet Bergstrom, "Murnau in America: Chronicle of lost films," *Film History* 14, no. 3/4 (2002): 432.
- 358 thirty-six-year-old: Murnau was born Dec. 28, 1888.
- **358 PhD from Heidelberg University**: Fox Film *Sunrise* press release, Oct. 1927, JSP.
- **358 March 1925, Fox lured James R. Grainger**: "Grainger and Feist in New Posts," *MPN*, Apr. 11, 1925, 1589.
- 358 one of the most important: Ibid.
- 358 "gets 24 hours a day": "Jimmy," FD, Mar. 29, 1925, 14.
- **358 refused to give Grainger**: "Inside Stuff on Pictures," *Variety*, Apr. 1, 1925, 34.
- **358 head of distribution and sales**: "Grainger and Feist in New Posts," 1589.
- **359 \$24.5 million in total assets**: "Financial Statement, Fox Film Corp.," *FD*, June 19, 1925, 6.
- **359 only \$2 million**: "Admit Fox Film Stock to Trading," *LAT*, June 17, 1925, 15.
- **359 \$8.3 million . . . in cash**: "Financial Statement, Fox Film Corp," 6.
- **359 "financial solid rocks"**: "Fox Declares 235 Per Cent Dividend," *MPN*, June 13, 1925, 2910.
- 359 in June 1919 . . . equal value: Ibid.

- **359 had to let the public in**: William Fox to Upton Sinclair, June 1, 1932, US-MSS.
- **360 "ultimately degenerate"**: William Fox to Upton Sinclair, Aug. 17, 1932, 3. US-MSS.
- **360 "Every energy"**: Fox Film ad, "Fox Achievement," *FD*, May 24, 1925, 7.
- **361 at age sixty-four**: Born Mar. 1, 1861.
- **361 to die alone**: Angela Fox Dunn interview with the author.
- **361 "You must go forward"**: "One Million Dollar Photoplay to be Masterpiece Made by William A.(*sic*) Fox," *Times-Picayune*, Dec. 5, 1915, 56.
- **361 two greatest types of loves**: "Greatest Love in World Forms Theme for Fox Film," *MO*, June 11, 1922, 2.
- **361 bristled at the suggestion**: Angela Fox Dunn interview with the author.
- **362 May 27, 1925**: "Certificate of Increase of Number of Shares and Reclassification of Shares of Fox Film Corporation," May 27, 1925, NYCMA.
- **362 June 15... following day:** "Admit Fox Film Stock to Trading," 15.
- **362 Three months later . . . and M-G-M**: "Fox Assets Placed at \$24,509,469," *MPN*, Sept. 26, 1925, 1479.
- **362 gave 235,000 . . . employees**: "Fox Declares 235 Per Cent Dividend," *MPN*, June 13, 1925, 2910.
- **362 forty dollars per share . . . forty-three per share**: Transcript, 69.
- **362 substantially understated Fox Film's worth**: "Fox Assets \$10,000,000 Over Book Value, Analysis of Holdings Indicates," *MPN*, 572.
- **362** never revised the value of fixed assets: Ibid.
- **362 he'd paid, \$525,000 . . . five times**: Ibid.
- **362 \$5.6 million investment . . . only \$1:** Ibid.
- 362 most conservative policy: "Fox at Peak," FD, June 21, 1925, 1.
- **363 trading at 50**½: "Curb Stocks Stronger Than Big Board Shares," *Variety*, July 1, 1925, 24.
- **363 By year's end . . . \$85**: "Amusement Stocks Quotations," *Variety*, Jan. 6, 1926, 31.
- **363 initial asking price**: Although Fox Film's share price would drop as low as \$55 in early 1926, when a general bear market

- pounded most entertainment stocks ("Great Boom in Film Stocks," *Variety*, Sept. 15, 1926, 20), by September 1926 the stock would have recovered to trade in the upper 70s ("Loew Stock at New High 48," *Variety*, Sept. 29, 1926, 9).
- **363 More than 75 percent**: Floyd W. Parsons, "The Movies' Business Side," *Saturday Evening Post*, Mar. 26, 1921, 26 + 29.
- **363 started renting out studio space**: "Fox New York Studio To Be Leased," *MPN*, June 28, 1924, 3067.
- **363 \$1 million overhaul**: "Out Where Fox Begins," *MPW*, Mar. 26, 1927, 391.
- **363 Spanish-style . . . wood trimmings**: "Improvements on Fox Lot Rushed," *MPN*, Jan. 16, 1926, 269.
- 363 block-long reception building: Ibid.
- 363 largest movie stages: "Improvements on Fox Lot Rushed," 269.
- **363 regulation baseball field**: "Sheehan Places Fox Studios on Coast in A-1 Position," *MPW*, June 25, 1927, 589.
- **363 three-hundred-seat, Mission-style**: "Fox Films [*sic*] Corporation Looks Forward to Most Successful Season," *MPN*, May 8, 1926, 2246–47.
- **363 small hospital . . . surgeon**: "Out Where Fox Begins," 391.
- **363 schoolhouse for fifty child actors**: "Sheehan Places Fox Studios on Coast in A-1 Position," 589.
- **363 \$150,000 worth of new furniture . . . palaces**: "Out Where Fox Begins," 409, 413.
- **363 second-floor . . . research library**: "Fox Carrying Out Elaborate Expansion Plans," *MPN*, Dec. 21, 1925, 2767.
- **363 twenty-thousand-volume**: "Improvements on Fox Lot Rushed," 269.
- **363 \$100,000 George Ingleton**: "George Ingleton," *Variety*, May 26, 1926, 36.
- **363 rare document collection**: "George Ingleton Research Library Acquired by Fox for Coast Plant," *MPW*, Feb. 6, 1926, 554.
- **363 elaborate new gardens**: "Fox Carrying Out Elaborate Expansion Plans," 2767.
- **364 \$25,000 donation**: James R. Martin to William Fox, Aug. 21, 1925, FLC.
- **364 December 29, 1925 . . . permission**: "Zoning of Westwood Studio Property," May 18, 1927, FLC.

- **364 at a cost of \$2 million**: "New Studio Will Open on Sunday," *LAT*, Aug. 24, 1926, A2.
- **364 Spanish, French, Irish**: "Fox Films [*sic*] Corporation Looks Forward to Most Successful Season," 2246.
- 364 German: "Out Where Fox Begins," 409.
- **364 Siamese**: "Fox Films [*sic*] Corporation Looks Forward to Most Successful Season," 2246.
- **364 Aztec temple . . . Arc de Triomphe**: Ibid.
- **364 best in the business**: "Fox's New Exchange Bldg. Is Complete," *Variety*, Oct. 13, 1926, 13.
- **364 Italian tile floors . . . new furnishings**: Ibid.
- **364 Not a lamp...only business records**: Ibid.
- **365 if Henry Ford could . . . company-owned theaters:** "F. P. Replying, Arraigns Comms'n For 'About Face'," *Variety*, Nov. 4, 1925, 30.
- **365** "acted like a good boy": P. S. Harrison, "The United States Government Against Adolph Zukor," *HR*, Nov. 28, 1925, 189 + 192.
- **365 except that of block booking:** "Famous Answers," *MPN*, 137; "Expect F. P.-L. Victory," *MPN*, 472.
- **365** "a theater-buying orgy": Harrison, "The United States Government Against Adolph Zukor," 192.
- **365 reopen in 1926**: "F. P. Case Ordered Reopened; Claimed Victory for Film Men," *Variety*, June 16, 1926, 9.
- **365 final arguments . . . January 27, 1927**: "Expect F. P.-L. Victory in Government Case," *MPN*, Feb. 11, 1927, 472.
- **365 acquired the Olympia Theatres chain . . . thirty-eight**: "F. P.-L. Acquires Gordon Holdings," *MPN*, May 30, 1925, 2631.
- 365 half of another chain: Ibid.
- 365 estimated at \$12 million: Ibid.
- **366** "a trail of black satchels": Harrison, "The United States Government Against Adolph Zukor," 192.
- **366 Mildred, had married Marcus Loew's son Arthur**: "Their Wedding Filmed," *NYT*, Jan. 7, 1920, 19.
- 366 \$11 million plan: "Warner Brothers Plan \$10,000,000 Transcontinental Theatre Chain," *MPW*, Sept. 20, 1924, 197. Despite the headline, the article states that the Warners planned to spend \$10 million on theaters outside New York

- and another \$1 million within the city.
- **366 "We are taking off our coats":** "Warner Brothers Plan \$10,000,000 Transcontinental Theatre Chain," 197.
- **366 acquiring a total of more than a thousand**: "Universal to Own 1,000 Film Theatres," *NYT*, Nov. 30, 1925, 33.
- **366 twenty thousand U.S. movie theaters . . . \$700 million**: "Universal to Own 1,000 Film Theatres," *NYT*.
- **366** "The exhibiting end of this business": William A. Johnston, "Zukor Discusses B. & K. Deal In Exclusive Interview," *MPN*, Oct. 10, 1925, 1671.
- **366 only about thirty-one theaters**: J. S. Dickerson, "Theatres, the Biggest Story of 1925," *MPN*, Dec. 26, 1925, 3131.
- **366 115 movie theaters along the Pacific Coast**: M. Gore, "Magic Rise of West Coast Theatres," *Variety*, Jan. 7, 1925, 28.
- **366 \$9.5 million in 1924**: "West Coast Theatres Gross Increases," *MPN*, Sept. 25, 1926, 1171.
- **366 half interest in Grauman's Egyptian Theatre**: Gore, "Magic Rise of West Coast Theatres," 28.
- **367 dominated first-run exhibition**: Danny [Joe Dannenberg], "Deals," *FD*, July 8, 1925, 1.
- **367 "You could hardly ride":** Transcript, 213.
- 367 described Blumenthal as shady: Ibid.
- **359 in mid-1924 . . . super theaters**: "5,000 Seat Fox House," *FD*, July 22, 1924, 1; Transcript, 214.
- 367 "Blumenthal got under my skin": Ibid., 215.
- 367 about four foot ten: Ibid., 225.
- **367 Marcus Loew's yacht playing bridge with Lesser**: Oral History interview with Sol Lesser (1970), 68, CCOHA.
- **367 Lesser, who owned 30 percent**: "West Coast Stock to Hoyt Syndicate," *MPN*, Mar. 6, 1926, 1079.
- **367 sell his shares for \$1 million**: Oral History interview with Sol Lesser (1970), 68, CCOHA.
- **367** "Fox reached out his hand": Ibid., 69.
- **368 Lesser had been joking**: Ibid., 68–69.
- **368 In addition to paying \$1 million . . . five-year contract**: Ibid., 69.
- 368 never dreamed of such success: Ibid., 68–69.
- 368 Lesser felt honor bound: Ibid., 69.

- **368 lawyer and a stenographer ready**: Ibid., 70.
- **368 prepared to pay \$8 million**: "F. P.-B. & K. Giant Merger," *Variety*, July 15, 1925, 24.
- **368 phone rang for Abe Gore**: Oral History interview with Sol Lesser (1970), 70, CCOHA.
- **368 his 45,000 share**s: "Inside Stuff on Pictures," *Variety*, July 15, 1925, 30.
- **368 one-third ownership**: William Fox interview with William Gray, June 15, 1932, Transcript, 9, US-MSS.
- **368 \$2.25 million . . . profit of nearly \$1.6 million**: "Inside Stuff on Pictures," *Variety*, July 15, 1925, 30.
- **368 seat on West Coast's board of directors**: "Fox Brings Large Sum to Company," *LAT*, July 10, 1925, A1.
- **368** "without doubt, the outstanding": "Deal Is on for Sale of West Coast Theatres, Inc.," *MPN*, July 11, 1925, 181.
- **368 First National . . . panicked and rushed**: "F. P.-B. & K. Giant Merger," 24.
- **369 "I sat with him in the taxi"**: Oral History interview with Sol Lesser (1970), 70, CCOHA.
- **369 Zukor . . . pulling the organization's strings**: "F. P.–B. & K. Giant Merger," 24.
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- **369 "opposing each other is just a gag"**: "Inside Stuff on Pictures," *Variety*, July 22, 1925, 44.
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- **369 double-crossed . . . refused to speak**: "The Future of First National," *HR*, Jan. 2, 1926, 1.
- **369** "After the excitement . . . Well, how true!": Oral History interview with Sol Lesser (1970), 70, CCOHA.
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- 370 biggest theater merger in history: Ibid.
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- 370 didn't utter a word of protest: "F. P.-B. & K. Giant Merger," 24.
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- 370 sold out—on terms much less attractive: Ibid.
- **370 to a newly formed Wall Street syndicate**: "West Coast Stock to Hoyt Syndicate," *MPN*, Mar. 6, 1926, 1079.
- **370 booked its movies into about 85 percent**: "Fox in 85% of West Coast Houses in Cal.," *Variety*, Sept. 2, 1925, 25.
- **370 additional annual income of \$800,000**: "Inside Stuff on Pictures," *Variety*, July 15, 1925, 30.
- **370 new \$1.5 million**: "William Fox to Build New Academy of Music," *MPW*, Sept. 5, 1925, 35.
- **370 3,800-seat Academy of Music**: "Fox's New Academy," *Variety*, Oct. 13, 1926, 22.
- **370 sold to the Consolidated Gas Company**: "Gas Company Buys Academy of Music," *NYT*, Aug. 22, 1925, 6.
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- 371 in the new National Press Club building: Ibid.
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- **371 acquired in Boston . . . Los Angeles**: "Fox Carrying Out Elaborate Expansion Plans," *MPN*, Dec. 21, 1925, 2767.
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- **371 Jensen and Von Herberg:** "Fox Reported Negotiating for Three

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- 371 Crandall circuit in Washington: Ibid.
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- 371 ninety-theater Stanley: "90 in Chain," FD, Nov. 24, 1925, 1.
- **371 tried to buy Universal**: "Warners' or Fox's U?" *Variety*, Nov. 11, 1925, 29.
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- **373 discontinued his \$200,000**: Ibid., 353.
- 373 charged no personal expenses: Ibid., 352–53.
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- **374 advance demand more than doubled**: "Fox Issue Ready," *FD*, Nov. 13, 1925, 2.
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CHAPTER 27: "THE WONDER-THING"

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- **375 twenty-five staff directors**: "Fox Films [*sic*] Corporation Looks Forward to Most Successful Season," 2246.
- **375 promise of great stories**: Raoul Walsh to Miriam Cooper, Nov. 16, 1925, "Telegrams" folder, Miriam Cooper Papers, Manuscript Division, LOC.
- **375 \$6.6 million . . . \$12 million**: "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of March 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 30. HTC.
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- **376 copied the play slavishly**: C. S. Sewell, review of *Lightnin'*, *MPW*, Aug. 1, 1925, 533.
- **376 "crude and farfetched" clowning**: George T. Pardy, review of *Lightnin'*, *MPN*, Aug. 1, 1925, 619.
- **376 wins a high-stakes race and saves his mother**: C. S. Sewell review of *Kentucky Pride*, *MPW*, Aug. 29, 1925, 919.
- **376 Man o' War, in his feature film debut**: "Man o' War to Be Featured at Boulevard," *LAT*, Oct. 18, 1925, 23.
- **376 Morvich . . . 1922 Kentucky Derby**: "Morvich Foaled In Napa," *LAT*, May 17, 1922, III-3.
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- **376** "tepid, draggy": "Newspaper Opinions, *Thank You*," *FD*, Nov. 6, 1925, 11.
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- 378 Stallings . . . lost a leg: Ibid.
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- **379** "They came back once": What Price Glory, YouTube video.
- **379 Carthay Circle Theatre on November 19**: "War Story Comes Up To Notices," *LAT*, Nov. 21, 1926, C25.
- **379 "Applause came fast"**: "Newspaper Opinions on New Pictures," *MPN*, Sept. 25, 1926, 2190.
- **379 Four days later . . . "gripping their seats":** "What Price Glory Premiere," MPN, Dec. 4, 1926, 2149.
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- 381 "[F] or God's sake": Ibid.
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- **381 "daringly spectacular flood scene"**: *The Johnstown Flood* review, *MPN*, Mar, 13, 1926, 1211.
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- **383 "A prince among men"**: "Anxiety," FD, Jan. 10, 1926, 3.
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- **383 "rent man"**: "Tom Mix Renews Contract With Fox Film Corporation," *MPW*, Jan. 31, 1925, 491.
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CHAPTER 28: TALKING PICTURES

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- **395 \$2 million demand**: Donald Crafton, *The Talkies: American Cinema's Transition to Sound, 1926–1931* (New York: Charles Scribner's Sons, 1997), 91.
- **395** "hell-hound" who "kyke-like": Lee de Forest diaries, Vols. 16–23. LOC, Microfilm, Box 4, Reel 2, Image 558.
- **395 selling the company to the General Talking Pictures**: "Company Acquires De Forest Phonofilm," *EH-MPW*, Oct. 13, 1928, 31.
- **395 owned by a South African theater chain**: Gomery, "The Coming of Sound" (diss.), 48.
- **395** June **1937**, when a federal judge dismissed: "Dismisses De Forest Suit," *MPD*, June 30, 1937, 10.
- 395 optioned in October 1926: FCC-ERPI, Part II, 472.
- **395 two large textile manufacturers and a bank**: "The Why of the Tri-Ergon Patents," *MPH*, Nov. 10, 1934, 12.

- 395 In 1925 they'd licensed . . . with the Matches: Ibid.
- **395** flopped so badly . . . canceled its contracts: Ibid.
- 396 filed by the three German inventors on March 20, 1922: "Defendants' Proposed Findings of Fact and Conclusions of Law," 2, Cases 971 and 971, U.S. District Court, Philadelphia, PA. NARA-PHL.
- **396 fifteen-year Navy veteran:** "Paramount Board Elects Otterson," *NYT*, June 5, 1935, 29.
- **396 former president of the Winchester rifle company**: "John E. Otterson, Shipbuilder, Dies," *NYT*, Aug. 11, 1964, 33.
- **396 \$1.6 billion in total assets—or . . . \$2.9 billion**: "Ten Companies Reach the Billion Mark," *NYT*, Mar. 27, 1927, XX1.
- **396 Warner Bros. ranked seventh**: Gomery, "The Coming of Sound" (diss.), 78.
- **396 assets of only \$5 million**: Danny [Joe Dannenberg], "Profits," *FD*, Jan. 15, 1926, 1.
- **396 uninterested in acquiring social graces**: Gabler, *An Empire of Their Own*, 125.
- **396** "a blunt, often tactless, vulgarian": Philip K. Scheuer, "Jack L. Warner: Last of Moguls Tells His Story," *LAT*, June 13, 1965, N1.
- **396 "too burdensome"**: FCC-ERPI, Part II, 168.
- **396 Otterson's superiors overruled him:** "History of Warner Bros., Confidential, Warner Bros. Legal Department," 16, WBA.
- **396 deficit of nearly \$1.3 million**: Warner Bros. Financial Statement, Aug. 28, 1926, WBA.
- **396 December 17, 1926 . . . "incompetent" and lacking**: FCC-ERPI, Part II, 169.
- 397 "a most embarrassing dilemma": Ibid.
- **397 anticipated record revenues of \$25 million for 1926**: "Fox Film Corp.," *FD*, Sept. 27, 1926, 4.
- 397 unlike Warner Bros.: Gomery, "The Coming of Sound" (diss.), 84.
- **397 would then split**: FCC-ERPI, Part II, 207.
- **397 concentrate on the motion picture business**: Sponable, "Historical Development of Sound Films" (May 1947): 409.
- **397 with Otterson as general manager:** Gomery, "The Coming of Sound" (diss.), 158.
- **397** have Fox take over . . . sound-on-disk: Transcript, 109.

- **397** "[I] t was not an easy matter": Ibid., 112.
- **397 sixteen days after**: Sponable, "Historical Development of Sound Films" (May 1947): 408.
- **397 demonstration to the press**: Mordaunt Hall, "Movietone Shown in the Fox Studio," *NYT*, Jan. 6, 1927, 27.
- **397 screening of** *What Price Glory*: Swensen, "The Entrepreneur's Role in Introducing the Sound Motion Picture," 414.
- **398 unadvertised beforehand**: Sponable, "Historical Development of Sound Films" (May 1947): 408.
- **398 hissing sounds . . . imprecise synchronization**: Hall, "Movietone Shown in the Fox Studio," 27.
- **398 response was ho-hum**: Sponable, "Historical Development of Sound Films" (May 1947): 408.
- 398 gave away four weeks' . . . customers: Transcript, 111.
- **398 main part . . . amplifiers and loudspeakers**: "How Movietone Films are Produced," *MPN*, Apr. 1, 1927, 1164.
- **398 common to both Vitaphone and Movietone**: James R. Cameron, *Talking Movies* (New York City: Cameron Publishing Co., Inc., 1927), 72.
- **398 required that an optical sound reader be added:** "Fox-Case Movietone Is Ready for Market," *MPN*, Mar. 11, 1927, 862; "Fox Film Corp. Will Develop Movietone," *WSJ*, Jan. 8, 1927, 3.
- **398 all the exhibitors signed**: Transcript, 111.
- 398 more than any other newsreel service: Ibid., 112.
- 398 buy back the Vitaphone contract: Ibid., 113.
- 398 try to buy Warner Bros.: Ibid., 112.
- **398 no more than \$4.5 million**: Ibid., 113.
- 398 "take over the entire company": Ibid.
- 398 \$3 million in debts: Ibid.
- 398 "He said to divide": Ibid.
- 398 "perfectly willing" to accept \$6.5 million: Ibid.
- **398 net income in 1926 of \$155 million:** "AT&T Reaffirms Policy of Service," *NYT*, Mar. 3, 1928, 24.
- 398 "It was a great mistake": Transcript, 114.
- **398** handed him a typed piece of paper demanding termination: John Otterson deposition, Nov. 10, 1932, 3. *Stanley Company of America v. AT&T, et al.*, WBA.

- **399 threatened to announce publicly**: Waddill Catchings's statement in Edgar S. Bloom deposition, Nov. 11, 1932, 2, *Stanley Company of America v. AT&T, et al.*, WBA.
- **399 Warners claimed . . . sales leads**: Gomery, "The Coming of Sound" (diss.), 167–69.
- 399 **stalled on equipment delivery:** "Untermyer Warners' Atty. In W. E. Arbitration," *Variety*, Apr. 25, 1928, 20.
- **399** "it would be impossible": Waddill Catchings's statement, quoted in Edgar S. Bloom deposition, Nov. 11, 1932, 2, *Stanley Company of America v. AT&T, et al.*, WBA.
- **399 "intimidated, terrorized and coerced"**: Bill of Complaint, 7, *Stanley Company of America, Inc. v. AT&T, et al.*, WBA.
- **399 May 18, 1927 . . . April 2, 1927**: Ibid.
- **399 ERPI... full control**: "Warner Bros. History," 21, WBA.
- **399 unconscionably and illegally**: Complaint, *William Fox Isis vs. AT&T.* NARA-NYC
- **399 uncommitted major companies—Paramount**: "Talking Film Pool Nears Agreement," *MPN*, Apr. 15, 1927, 1355.
- 399 one-year moratorium: FCC-ERPI, Part II, 174.

CHAPTER 29: ALL FOR FOX FILMS

- 400 "Fox Films for all": Fox Folks, Sept. 1925, masthead. MHL.
- **400 died of unknown causes**: Adolph Livingston death certificate 21004, New York City Municipal Archives.
- **400 William Fox Jerome Schwartz**: "Fox Again a Grandfather," *MPW*, May 2, 1925, 33.
- **400 only ten months old**: Ibid.; Alfred M. Greenfield to William Fox, Feb. 13, 1926, AMG; Angela Fox Dunn interview with the author.
- **401 director of the psychiatric department**: "Dr. Menas Gregory Dies on Golf Links," *NYT*, Nov. 3, 1941, 19.
- 401 educated at Albany Medical College: Ibid.
- **401 remediable nervous responses to . . . modern life**: Ibid.
- **401** "I will see that it is done": Transcript, 185.
- **401 served as national counsel**: "Double-Crossed," *Wid's Daily*, June 3, 1921, 1.
- **401 offered to finance . . . \$500,000**: Transcript, 185.
- **401 one favor . . . visit to Bellevue's**: Ibid., 185.

- **401** "He told me to make": Transcript, 185.
- **401 early evening of February 24, 1926, Walker, Fox...ten minutes**: "Walker Visits Bellevue," *NYT*, Feb. 25, 1926, 2.
- **401 fifty inmates . . . "the most terrible sight"**: Transcript, 186.
- **401 weren't enough beds . . . normal tub**: Ibid.
- **401** "the most dilapidated, unsanitary": "New City Hospital Started by Mayor," *NYT*, June 19, 1930, 23.
- 401 "the most terrible calumny": Ibid.
- 401 Walker assured Fox: Transcript, 186.
- **402 \$4.3 million . . . eight-story building open**: "A Bellevue Unit Formally Opened," *NYT*, Nov. 3, 1933, 20.
- **402 benefit the seven million**: "Jews' Campaign Nets \$2,000,000 On Opening Day," *NYTR*, Apr. 24, 1926.
- **402 By February 12, Fox had accepted**: Felix Warburg to Joseph F. Frankel, Feb. 15, 1926, FMWP.
- **402 After insisting . . . \$6 million**: David A. Brown to the Justice of the District Court of the United States, Philadelphia, Apr. 9, 1941, 8, DABP.
- **402 delayed a trip...personal visits**: William Fox to Felix Warburg, Mar. 30, 1926. FMWP.
- **402 ranked third nationwide . . . Warburg**: "Jewry's Great Peace Army Will Rally at Chicago," *United Jewish Campaign News*, Oct. 1926. FMWP.
- **402 Adolph Zukor gave only \$3,000**: "Rockefeller Sends \$100,000," *NYT*, 16.
- **402** "who is not afraid of me": William Fox to Herbert Brenon, Nov. 9, 1915, 1, *Fox Film v. Herbert Brenon, et al.* Supreme Court, New York County, Case 29168, 1916.
- 403 Around the time of the West Coast Theaters negotiations: Transcript, 215, 220.
- **403 wiped him out . . . had to leave Los Angeles**: Ibid., 215–16.
- 403 Mutual friends had warned Fox: Ibid., 213.
- **403 "in my own mind"**: Ibid., 215.
- **403 Fox provided the \$50,000**: Ibid., 216.
- **403 on November 27, 1925**: "New York Charters," *NYT*, Nov. 28, 1925, 24.
- **403 Blumenthal would handle all . . . fifty-fifty**: Transcript, 216.
- **403** He invited Blumenthal . . . for meals: Ibid., 217.

- 403 began to address Eva as "Mother": Ibid.
- **403** "He was no longer . . . Fox was behind": Ibid.
- **404 always "in and out"**: Courtland Smith testimony, Blumenthal v. Greenfield, Sept. 16, 1932, 142. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **404 \$6.5 million**: "Fox Insured for \$6,500,000," *FD*, June 17, 1925, 1; Marion T. Byrnes, "William Fox Gives His Reasons for Buying \$6,500,000 Worth of Insurance," *BDE*, July 26, 1925.
- **404 Wanamaker, who had \$7 million in insurance**: "W. C. [*sic*] Fox Insured for \$6,000,000, Bulk of Which is for Film Firm," *New York World*, July 9, 1926.
- **404 "I can at least"**: William Fox . . . Theatrical Magnate," Associated Press Sketch 1684. BPL-BC, *Brooklyn Daily Eagle* morgue, "Fox, William (Movie Pictures Biogs.)" file (also in *Newark Evening News* morgue, Newark Public Library).
- **404 long table:** O. O. McIntyre, "From the East Side Gutters to the Purple Heights," *Atlanta Constitution*, Oct. 23, 1921, F6.
- **404** "Westminster Abbey," . . . "as cozy": Byrnes, "William Fox Gives His Reasons for Buying \$6,500,000 Worth of Insurance."
- 404 "real, real rich kind of living": Mary Ford interview, 21, JFP.
- 404 Adolph Zukor's eight-hundred-acre: http:// www.paramountcountryclub.com/clubhistory. Zukor's Mountain View Farm is now the Paramount Country Club, which has no affiliation with Paramount Pictures.
- **404 Mountain View Farm in Rockland County**: "F.P.-L Pays Off \$6,000,000," *Variety*, Oct. 29, 1924, 26.
- **404 eighteen-hole . . . designed by A. W. Tillinghast**: http://www.paramountcountryclub.com/clubhistory.
- **405 "on horseback parading":** "All Hail the King!" *HR*, Sept. 25, 1926, 153.
- **405** "could walk down the streets": David A. Brown to the Justice of the District Court of the United States, Philadelphia, Apr. 9, 1941, 11, DABP.

CHAPTER 30: THE ROXY

406 evening of Friday, March 25, 1927: "William Fox Buys Roxy Theater," *New York Sun*, Mar. 26, 1927, 3.

- **406 \$10 million**: "New Roxy Theatre Purchased By Fox," *NYT*, Mar. 26, 1927, 1; "New Roxy Theatre Will Open Tonight," *NYT*, Mar. 11, 1927, 24.
- 406 5,920-seat: Bill Savoy, who had architectural plans for the Roxy, says that 6,214 was the original seat count, but that the plans were revised. As publicity had already gone out, Roxy promoters still gave the figure above 6,000, and rationalized that there were that many seats if you counted furniture in lounges and public spaces. Bill Savoy e-mail to author, Dec. 8, 2013.
- **406 gold domed . . . green marble columns**: Thomas C. Kennedy, "Seeing 'The Roxy,' With Roxy," *MPN*, Feb. 4, 1927, 379.
- **406 two-ton, crimson-and-gold**: "Two-Ton Rug for Roxy Theatre," *NYT*, Mar. 10, 1927, 23.
- **406 oval chenille**: "2 Ton Rug," FD, Mar. 4, 1927, 1–2.
- **406 Heywood-Wakefield red mohair upholstered**: Heywood-Wakefield ad, *MPN*, Apr. 1, 1927, 1138.
- **406 125 blue-uniformed ushers**: "Traffic Jammed by Roxy Opening," *New York World*, Mar. 12, 1927, 1.
- **406 send 125 police officers**: "Crowd Outside Theatre," *NYT*, Mar. 12, 1927, 12.
- **406 throne-like chair at the head**: George Gerhard, "William Fox, Owning Largest Theatre Here, Began with Smallest," *Evening World*, Mar. 28, 1927.
- **406 "visibly pleased":** "Fox Buys Roxy Theater and Chain in \$15,000,000 Deal," *New York Herald-Tribune*, Mar. 26, 1927, 1.
- 406 "We were determined to have": Ibid.
- **406 vigorously denied the rumors**: "Roxy Theatre Added to Fox Chain," *MPN*, Apr. 8, 1927, 1254.
- 407 "Many millions": "New Roxy Theatre Purchased By Fox," 1.
- 407 "Yes, you can say": Ibid.
- 407 given as \$10 million: Ibid.
- **407 two planned four thousand-seat theaters in Manhattan:** "Fox Buys Roxy Theater and Chain in \$15,000,000 Deal," 1.
- **407 Ground was now . . . Fifty-Ninth Streets**: "New Roxy Theatre Purchased By Fox," 1.
- **407 Roxy's Midway at Seventy-Fifth and Broadway**: William Fox to Albert M. Greenfield, Mar. 26, 1927, AMG.

- **407 Other Roxy theaters . . . Washington, DC**: "Fox Buys Roxy Theater and Chain in \$15,000,000 Deal," 1.
- 407 expand the chain internationally: Ibid.
- **407 "The deal puts Fox"**: "Fox Buys the 'Roxy'; Rothafel to Manage," *New York Mirror*, Mar. 26, 1927, 3.
- **407** "I have no vanity": "Fox Buys Roxy Theater and Chain in \$15,000,000 Deal," 1.
- **407 overdue business necessity . . . national publicity**: William Fox to Upton Sinclair, July 13, 1932, 6, US-MSS.
- **407** "a man in evening clothes": "Another Movie Miracle," *NYT*, Apr. 3, 1927, X7.
- **408 controlled the Rialto and the Rivoli:** "New Roxy Theatre Purchased By Fox," 1.
- **408 November 19, 1926 . . . 3,664-seat Paramount Theatre:** Ross Melnick, *American Showman* (New York: Columbia University Press, 2012), 264.
- **408 First National . . . Warners' Theatre**: "New Roxy Theatre Purchased By Fox," 1.
- **408 losing as much as \$250,000**: William Fox to Upton Sinclair, July 13, 1932, 6, US-MSS.
- **408 work harder to make more great movies:** "Another Movie Miracle," X7.
- **408 Rather than being square . . . center of the stage**: C. S. Sewell, "Roxy Shows the Roxy to the Press," *MPW*, Mar. 5, 1927, 17.
- 408 eliminated lateral sound pockets: Ibid.
- 408 giant megaphone: Kennedy, "Seeing 'The Roxy' With Roxy," 379.
- 408 "No producer in five years": "Another Movie Miracle," X7.
- **408 Waiting for their caddies . . . "startle a stranger"**: Ibid.
- **409 entire city block . . . Fifty-First Streets**: Ibid.
- **409 owned by the Metropolitan Street Railway . . . "car barn"**: "Fox Bids on New York Car Barn," *Hartford Courant*, Dec. 23, 1923, 4C.
- **409 \$5 million, and he wanted Kempner**: "Another Movie Miracle," X7.
- 409 get expert appraisals: Ibid.
- 409 considerably lower than \$5 million: Ibid.
- **409 made a conservative, unsuccessful bid:** "Fox Bids on New York Car Barn," 4C.

- **409 news was announced . . . \$1.9 million**: "Roxy of the Radio to Have Own Movie Theatre With Seats for 6,000 at 7th Av. and 50th St.," *NYT*, June 3, 1925, 1.
- **409 world's largest movie theater, with 5,300 seats**: "Capitol Theatre to Open," *NYT*, Aug. 28, 1919, 8.
- **409** Even when the movies . . . were terrible: Helen Klumph, "Rothapfel Will Open New House," *LAT*, June 7, 1925, 17.
- 409 "never again shall anyone": "Another Movie Miracle," X7.
- **409 escalated to \$8 million**: "Roxy Ready Oct. '26," *FD*, Oct. 8, 1925, 1.
- **409 difficult time finding bankers**: Benjamin B. Hampton, *A History of the Movies* (New York: Covici Friede Publishers, 1931), 329.
- 409 underwrote realty bonds: Ibid.
- **409 sponsored a public stock offering:** "Theatre Stock Offered," *NYT*, Nov. 13, 1925, 30.
- **410 responsibility for cost overruns**: Hampton, *A History of the Movies*, 332.
- **410** "the opinion was practically unanimous": William A. Johnston, "The Spirit of the Motion Picture," *MPN*, Oct. 7, 1927, 1045.
- **410 prices that were too high**: Hampton, *A History of the Movies*, 332–33.
- 410 nearly every day: Ibid., 333.
- **410 Fox accompanied Blumenthal . . . walked about quietly**: Ibid., 333–34.
- 410 "small man in shirt sleeves": Ibid., 334.
- **410** "a fragile little cuss": James R. Quirk, "Close-Ups and Long-Shots," *Photoplay*, May 1927, 78.
- **410 \$2 million in cost overruns**: "Roxy Financing Planned," *NYT*, July 24, 1927, E24.
- 410 bankers would foreclose: Hampton, A History of the Movies, 332.
- **410** profit of more than \$3 million: Ibid., 334.
- 410 "the greatest genius": "Another Movie Miracle," X7.
- **410** "advice, counsel" . . . "I am very happy": "Fox Buys Roxy Theater and Chain in \$15,000,000 Deal," 1.
- **410** "an ideal one": "New Roxy Theatre Purchased By Fox," 1.
- **402 bought a controlling share . . . Roxy Circuit, Inc.**: "Fox Buys the 'Roxy'; Rothafel to Manage," 3.
- **410 holding company . . . more than half the stock**: "Bank Sues Fox

- For \$1,000,000 On Lubin Deal," New York Herald-Tribune, July 31, 1932.
- **411 price . . . \$4.5 million**: William Fox to Upton Sinclair, July 13, 1932, 6, US-MSS.
- **411 ending in March 1932**: "Receivers Named for Fox Theaters [*sic*]," *WP*, June 23, 1932, 15.
- **411 Fox personally to guarantee the last \$1 million**: William Fox to Upton Sinclair, July 13, 1932, 6–7, US-MSS.
- **411 at least \$80,000**: "Pictures and People," *MPN*, Nov. 4, 1927, 1391.
- **411 had a long-term contract**: "World's Biggest House Planned for Roxy in New York," *MPN*, June 13, 1925, 2907.
- 411 "Not only did he play": Transcript, 661.
- **411 self-pitying "sob sister"**: Allene Talmey, *Doug and Mary and Others* (New York: Macy-Masius, 1927), 173.
- **411 "pail of tears"**: Ibid., 176.
- 411 "man without intimates": Ibid., 178.
- **412 known him since around 1912**: Ross Melnick, "Station R-O-X-Y: Roxy and the Radio," *Film History* 17, no. 2/3 (2005): 227.
- 412 "The owners of the Rivoli Theater": Transcript, 662.
- 412 Thus arose the Capitol Theatre: Ibid.
- 412 Rothafel began showing . . . met Lubin: Ibid.
- **412** "I want you all" . . . "our own big theatre": Roxy Theatres Corporation ad, *NYT*, Nov. 12, 1925, 23.
- 412 "From now on, Roxy": Transcript, 662.
- 412 "The fact of the matter was": Ibid., 662-63.
- 412 no wealthy, knowledgeable investors: Ibid., 663.
- 412 "The funds of servant girls": Ibid.
- 413 more than thirteen thousand: Ibid.
- 413 "After the Fox enterprises had acquired": Ibid., 664.
- **413 "Pitting unusual ideas"**: Bernard Edelhertz, "The Soul of a Master Showman," *American Hebrew*, Mar. 18, 1927, 642.
- **413 first six months . . . \$105,000**: Johnston, "The Spirit of the Motion Picture," 1045.
- 413 "world's most successful theatre enterprise": Ibid.
- **413 "Well, what does"**: "Fox Buys Roxy Theater and Chain in \$15,000,000 Deal," 1.

CHAPTER 31: *SUNRISE* (1927)

- **414 begin in February 1926**: "Fox in Buffalo," FD, Oct. 26, 1925, 1.
- **414** "a man who can accomplish": "Leaders Welcome Murnau to America," *MPN*, July 17, 1926, 209.
- **414 six foot four**: "Fox Company Expanding By Leaps and Bounds," *NEN*, Feb. 23, 1928.
- **414 reddish-blond hair**: Fox Film *Sunrise* press release, Oct. 1927, JSP.
- **414 "pose of a grand seigneur"**: Salka Viertel, *The Kindness of Strangers* (New York: Holt, Rinehart and Winston, 1969), 116.
- **415 in the Prussian Guards**: "Mr. Murnau, the Screen Artist," *NYT*, Oct. 16, 1927, X7.
- **415 Art was international**: "Murnau Insists Camera Angles Shall Be 'Dramatic,' If Anything," *MPW*, Apr. 2, 1927, 490.
- **415 "practical, as well as inspirational"**: F. W. Murnau, "Real 'Motion' Pictures," June 7, 1925, 21.
- 415 "A director should not work" . . . "outside minds": Ibid.
- **415 "aims to turn a man's mind"**: "Murnau to Produce for Fox Film Corp.," *MPW*, Jan. 2, 1926, 69.
- 415 "Murnau will do nothing spectacular": Ibid.
- **415** "essential differences" . . . "American viewpoint": Murnau, "Real 'Motion' Pictures," 21.
- 415 movie might take a year . . . retakes: Ibid.
- **416 "When I read this book"**: F. W. Murnau to W. R. Sheehan, Nov. 16, 1925, 1, JFP.
- 416 owned the story rights: Ibid.
- 416 "absolutely novel motion picture": Ibid.
- 416 more than he'd ever wanted to make: Ibid.
- 416 didn't tell Murnau directly: Ibid.
- **416 Berlin-based representative for Central Europe**: Julius Aussenberg to Carl Mayer, translation, Feb. 6, 1926, *Sunrise* files, FLC.
- **416** *Frozen Justice* would not . . . to Alaska: F. W. Murnau to W. R. Sheehan, Nov. 16, 1925, 2, JFP.
- **416** "of course" . . . sufficient: Ibid.
- 416 "Please do not hesitate": Ibid.
- **416** "large cable bill" . . . Ford instead: W. R. Sheehan to John Ford, Dec. 11, 1925, JFP.

- 416 "Mr. F. W. Murnau of Berlin": Ibid.
- **416 Holy Land . . . American censors**: Julius Aussenberg to Winfield Sheehan, undated. "*Sunrise* Story and Action Correspondence," FLC.
- **417** "crass commercialism": Robert Garland, "By the Way," *Baltimore American*, Nov. 25, 1921, 8.
- **417 adaptation of the novel** *Down to Earth*: "Fox Has Superb Array of Dramatic and Literary Material For Screen Production During 1926," *Fox Folks*, Feb. 1926, 14. Seaver Center, Natural History Museum, Los Angeles.
- **417 by Viennese writer Julius Perutz**: "Sheehan Lines Up Fox Productions," *MPN*, Nov. 14, 1925, 2245.
- **417** "Theme entirely unsuitable" . . . "continue search": Winfield Sheehan to Julius Aussenberg, Jan. 22, 1926, "Sunrise Story and Action Correspondence," FLC.
- **417 authorizing Aussenberg to pay:** Winfield Sheehan to Julius Aussenberg, Jan. 29, 1926, "*Sunrise* Story and Action Correspondence," FLC.
- **417** "strictly modern story" . . . "comedy": Ibid.
- **417 bound only to "consider"**: Julius Aussenberg to Carl Mayer, translation, Feb. 6, 1926, 2. "*Sunrise*," FLC.
- **417** "Europe's greatest director": "F. W. Murnau," Fox Film ad, *MPN*, May 8, 1926.
- **417 July 1, 1926, on the SS** *Columbus*: "F. W. Murnau Is a Guest," *NYT*, July 3, 1926, 5; "Leaders Welcome Murnau to America," *MPN*, July 17, 1926, 209.
- **418 press luncheon**: "Leaders Welcome Murnau to America," *MPN*, 209.
- 418 Ritz-Carlton Hotel: Ibid.
- 418 sunken garden: Ibid.
- **418 Royal S. Copeland . . . navy admiral**: "Dinner for Murnau," *FD*, July 8, 1926, 7.
- **418 "Dr. Murnau, I charge you":** "Leaders Welcome Murnau to America," 209.
- 418 final speaker: Ibid.
- 418 "his voice low": Ibid., 210.
- **418 speed, energy, and initiative**: Kann, "1902–1926," *FD*, July 9, 1926, 1.

- **418 "I love my Fatherland" . . . "heaped upon me"**: "Leaders Welcome Murnau to America," 209.
- **418 July 8, 1926 . . . Fox signed**: Janet Bergstrom, "Murnau in America: Chronicle of lost films," *Film History* 14, no. 3/4 (2002): 434.
- **418 four-year contract**: Ibid., 455n11.
- 418 would receive \$40,000 . . . one movie: Ibid.
- **418 up to \$125,000 . . . one movie per year**: Ibid.
- **418 August 4**: "German Screen Director Guest of William Fox," *LAT*, Aug. 5, 1926, A11.
- **418 welcoming dinner at the Biltmore**: "Murnau and America," *MPN*, Aug. 28, 1926, 742.
- 418 KleinSmid: "German Screen Director Guest of William Fox," A11.
- **418 "endless possibilities" . . . "open mind"**: "Murnau and America," 742.
- 419 thirty-seven-year-old: Born Dec. 28, 1888.
- **419 "Something like** *Frozen"* . . . Wonderful": Matthew Josephson, "F. W. Murnau Comes to America," *Motion Picture Classic*, Oct. 1926, 84.
- 419 luxury American car: Ibid.
- 419 "barbarous there": Ibid.
- **419 Five years earlier**: Jack Leo to Lillian Semenov, Aug. 29, 1967, SMWP.
- **419 "Thoroughly exciting"**: Josephson, "F. W. Murnau Comes to America," 84.
- 419 "I am like a child": Ibid.
- 419 "Nature's own perfect": "Murnau and America," 742.
- **419 "Contrary to the impression"**: Josephson, "F. W. Murnau Comes to America," 17.
- **420 traveled up and down the West Coast**: "Murnau and America," 742.
- **420 across the lake from the real . . . village**: Oral History Karl Struss © 1971, First Section, end of book, 4–5. Courtesy of AFI.
- **420 on September 25, 1926**: Vivian Moses to Jack Leo, et al., Sept. 28, 1926. FLC.
- **420 \$200,000 set . . . largest ever**: "Out Where Fox Begins," *MPW*, Mar. 26, 1927, 391.
- 420 Six- and seven-story . . . railway structure: Ibid.

- 420 1,500 rented cars: Sunrise Press Book, Sunrise file, FLC.
- 420 built a special power plant: Ibid.
- **420 mechanic's overalls**: "An Artist in Overalls," *Photoplay*, May 1927, 76.
- **420 up to fifty times**: Oral History interview with Janet Gaynor (1958), 7. CCOHA.
- **420** "Very often" . . . "do a whole scene over": Ibid.
- **421 "Afterwards, when we were looking"**: Lotte H. Eisner, *Murnau* (Berkeley and Los Angeles, CA: University of California Press, 1973), 87–88.
- **421 two cameras . . . higher-contrast images**: Oral History of Karl Struss © 1971, Second Section, 3–4, Courtesy of AFI.
- 421 testing various chemicals: George O'Brien interview, 67, JFP.
- **421 "a little perturbed"**: Ibid.
- **421 remained idle at full pay**: Eisner, *Murnau*, 182.
- **421** "Let them go home" . . . dust storm: Ibid., 175–76.
- **422 gave instructions in a near whisper**: Herbert Cruikshank, "Murnau or Never," *Motion Picture Classic*, July 1928, 80.
- **422 Gaynor "adored" Murnau**: Kevin Brownlow, *Hollywood: The Pioneers* (New York: Alfred A. Knopf, 1979), 262.
- **422 "gentle and kindly":** Janet Gaynor, "My Life—So Far," as told to Dorothy Spensley, *Photoplay*, Jan. 1929, 95.
- 422 "Murnau would thank me": Ibid.
- **422 "I learned so much"**: Oral History interview with Janet Gaynor Oral History (1958), 7, CCOHA.
- 422 "Working with him": Ibid.
- **422** "He had the ability": George O'Brien interview, 66, JFP.
- **422 grips, property men . . . idolized**: "Pictures and People," *MPN*, Apr. 8, 1927, 1247.
- **422 allowed to view the rushes**: George O'Brien interview, 66.
- **422** "He even wouldn't allow: Oral History interview with Janet Gaynor (1958), 7, CCOHA.
- **422 young Rochus Gliese**: Josephson, "F. W. Murnau Comes to America," 84.
- **422 "a real Prussian"**: Oral History of Karl Struss © 1971, 60. Courtesy of AFI.
- **422 By early 1927, Murnau had finished**: "Murnau Completes *Sunrise*," *MPN*, Feb. 18, 1927, 558.

- **422 to the country for a vacation**: *Sunrise* Press Book, *Sunrise* file, FLC.
- **424 first, ten-reel . . . San Francisco-area preview**: "Sunrise Before New Pre-View Audiences," Variety, Mar. 9, 1927, 4.
- **424** "Tremendous hit": W. R. Sheehan telegram to Saul Rogers, Feb. 25, 1927. "*Sunrise* Production," FLC.
- **424 "Sensational artistic"**: Winfield Sheehan telegram to Saul Rogers, Mar. 5, 1927, "*Sunrise* Production," FLC.
- **424 another What Price . . . 7**th **Heaven**: W. R. Sheehan telegrams to Saul Rogers, Feb. 25, 1927, and Mar. 5, 1927. "Sunrise Production," FLC.
- **424 remaining obligations at the UFA studios**: "Murnau Insists Camera Angles Shall Be 'Dramatic,' If Anything," *MPW*, Apr. 2, 1927, 490.
- **424 in New York on March 22, 1927**: Janet Bergstrom, "Murnau, Movietone and Mussolini," *Film History* 17 (2005): 195.
- **424 following day . . . Ritz Carlton**: "Movie Flashes," *NYT*, Mar. 27, 1927; "The Week in Review," *MPN*, Apr. 1, 1927, 1116.
- 424 his best picture: "Pictures and People," MPN, Apr. 8, 1927, 1247.
- **424** "so wonderfully" . . . "a pleasure": "The Week in Review," *MPN*, Apr. 1, 1927, 1116.
- 424 couldn't wait to return: Ibid.
- **424 refusing to screen the movie**: "Pictures and People," *MPN*, Apr. 8, 1927, 1247.
- **424** "fifty dollars' worth of flowers": "Murnau's Trip to Hollywood," *Motion Picture Classic*, July 1927, 36.
- **424 "genius of this age"**: William Fox, "Reminiscences and Observations," in *The Story of the Films*, ed. Joseph P. Kennedy (Chicago and New York: A. W. Shaw Company, 1927), 307.
- **425** "the greatest motion picture": "Hello, Everybody!" *Roxy Theatre Weekly Review*, Apr. 30, 1927, 3. HTC.
- **425 producing the film negative . . . \$750,000**: "Sunrise, Murnau's First, May Cost \$750,000," Variety, Sept. 22, 1926, 7.
- **425 number had escalated to \$1.2 million**: "Fox May Abandon Program Films," *Variety*, Aug. 29, 1928, 4.
- **425 three times as much as for** *The Iron Horse*: "Fox Re-signs Murnau," *FD*, Mar. 6, 1927, 1.
- 425 cost from \$25,000 to \$250,000: Halsey, Stuart & Co., The Motion

- Picture Industry as a Basis for Bond Financing (New York: Halsey, Stuart & Co., 1927), 10.
- **426 Ansass and Indre**: Vivian Moses to Jack Leo and others, Sept. 28, 1926, "Sunrise," FLC.
- **426 "So I had to get dressed"**: Oral History interview with Janet Gaynor Oral History (1958), 6, CCOHA.
- **426** "silliest film" . . . dull ideas: H. G. Wells, "Mr. Wells Reviews a Current Film," *NYT*, Apr. 17, 1927, 4 + 22.
- **426 Friedrich W. Murnau became "Fred W. Murnau"**: *Sunrise* Press Book, "*Sunrise*," FLC.
- **427 as late as August 1927, Roxy**: Bergstrom, "Murnau, Movietone and Mussolini," 193–94.
- **427 1,080-seat Times Square Theater**: "Paramount \$71,600; \$113,000 for Roxy—*Sunrise* \$19,450," *Variety*, Oct. 5, 1927, 7.
- **427 open** *Sunrise* **there on September 23, 1927**: Mordaunt Hall, "The Screen," *NYT*, Sept. 24, 1927.
- **427** "The most important picture" . . . not even "the Stoniest Heart": *Sunrise* Press Book, "*Sunrise*," FLC.
- **427 revolutionizing the art of film**: "Sunrise to Have Showing," New York Review, Aug. 13, 1927.
- **427 music and sound effects**: Oscar Cooper, "Sunrise and Movietone," *MPN*, Oct. 7, 1927, 1046.
- **427 only fifty-five U.S. theaters**: Edward W. Kellogg, "History of Sound Motion Pictures, Second Installment," *JSMPTE*, July 1955, 357.
- **427 titled "Voices of Italy": "Sunrise and Movietone," 1046.**
- **427 first time . . . recorded**: Unsigned to H. C. Stewart, 19 May 1927. WHP, Part I.
- 428 forty-four-year-old: Born July 29, 1883
- 428 "I salute the noble government": Hall, "The Screen."
- **428 "This can bring"**: "Mussolini's Hope in Screen," *Variety*, Sept. 21, 1927, 1.
- **428 "singing and running"... mizzenmasts**: "Mussolini" review, Sept. 21, 1927, 1.
- **428 help of the former US ambassador**: "Mussolini Takes Star Role For a New Talking Movie," *NYT*, Sept. 7, 1927, 31.
- **428 current ambassador introduced**: "Mussolini" review, *Variety*, Sept. 21, 1927, 20.

- **428 Vatican Choir . . . St. Peter's**: "Sunrise and Movietone," *MPN*, Oct. 7, 1927, 1046; "Sunrise and Movietone," *FD*, Sept. 25, 1927, 4.
- **428 four hundred thousand Italian-born immigrants**: "Italians In The United States," *The Literary Digest*, Apr. 23, 1927, 30.
- **428 "Getting all the barbers"**: "Capitol's New Mark At \$95,312 With New Jazz Policy Last Week," *Variety*, Oct. 19, 1927, 23.
- **428 "most important and impressive"**: Bergstrom, "Murnau, Movietone and Mussolini," 189.
- **428 Fox himself attended . . . Catholic prelates**: "Sunrise Has Premiere; Movietone Also on Bill," FD, Sept. 25, 1927, 1.
- **428 impressive \$19,450**: "Paramount \$71,600; \$113,000 for Roxy—*Sunrise* \$19,450," 7.
- **428 following week, it took in \$16,900**: "\$22,000 Drop for *Carmen*, Roxy; *Parade*, Capitol, 3 weeks, \$176,000," *Variety*, Oct. 12, 1927, 7.
- **428** "the most important picture . . . disturbingly real": R. E. Sherwood, "Sunrise," unidentified publication, undated, Audrey Chamberlin Scrapbooks, 121. MHL.
- 429 "an artist in camera studies": Hall, "The Screen."
- **429** "most adult and absorbing" . . . "resourcefulness": Norbert Lusk, "Sunrise Is Much Praised," LAT, Oct. 2, 1927, 17.
- 429 "highbrow picture": Ibid.
- 429 "a tear or a smile": Ibid.
- **429** "slipping into oblivion" . . . \$7,000: "P.D.C. Films Drop 3 Houses \$13,700," *Variety*, Nov. 9, 1927, 7.
- 429 canceled the booking: "Warners' Jazz Singer," Variety, 7.
- 429 relatively small capacity: Ibid.
- **429 "giving [Sunrise] tickets away":** "Joe and Sam Talk Show," *Variety*, Dec. 7, 1927, 7.
- **429 twenty-eight weeks . . . April 8**: Bergstrom, "Murnau, Movietone and Mussolini," 194, 191.
- **429** weekly **cost of \$10,000**: "Two-Dollar 'Hits' and 'Flops,"" *HR*, June 9, 1928, 89.
- **422 more than had ever advertised**: "Key City Reports," *MPN*, Jan. 14, 1928, 136.
- **430 "most important money-getter"**: Fox Film ad, *Sunrise*, *FD*, Mar. 8, 1928, 4.
- 430 "a forced run" . . . "dying": "Flops and Hits," HR, Mar. 3, 1928,

- **430 Grainger invited Harrison . . . Newark:** "In the Interest of Truth," *HR*, Mar. 17, 1928, 44.
- 430 "a marvelous production" Sunrise review, HR, Oct. 1, 1927, 158.
- **430** *Sunrise* had not, as Grainger claimed . . . only \$4,500 to \$5,000: "Two-Dollar 'Hits' and 'Flops,'" 89.
- 430 "\$5,300 is the correct figure": Ibid.
- 430 alleged \$20,000 at Newark's Terminal Theatre: Ibid.
- 430 "a dump": Harrison, "Two-Dollar 'Hits' and 'Flops," 89.
- 430 he sent his secretary there: Ibid., 89, 92.
- 431 saw about fifty people downstairs: Ibid., 92.
- **431 two other people:** Ibid.
- 431 "too gruesome": Ibid.
- **431 "Let Jimmy Grainger show me"**: "In the Interest of Fair Play," *HR*, June 16, 1928, 95.
- 431 "Jimmy Grainger is working for": Ibid.
- **431 played in only half**: Bergstrom, "Murnau, Movietone and Mussolini," 200–201.
- **431 State Theatre . . . local Girl Scouts**: "What Is Art?" *HR*, Mar. 23, 1929, 48.
- 431 "Never in our eight years": Ibid.
- **431 "oriented toward"**: Bergstrom, "Murnau, Movietone and Mussolini," 188.
- 431 "In short, Mussolini: Ibid., 201.
- 431 "Sunrise would have had": Ibid.
- **432** "But for the Mussolini feature": "The Value of Movietone News Has Shrunk By More than 50%," *HR*, Feb. 22, 1930, 32.
- **432 1,360-seat Warners' Theatre**: "\$22,000 Drop for *Carmen*, Roxy; *Parade*, Capitol, 3 weeks, \$176,000," *Variety*, Oct. 12, 1927, 7.
- 432 \$9,900 in its first two and a half days: Ibid.
- **432 gross \$3.9 million**: Alex Ben Block and Lucy Autrey Wilson, George Lucas's Blockbusting: A Decade-by-Decade Survey of Timeless Movies Including Untold Secrets of Their Financial and Cultural Success (New York: HarperCollins, 2010), 112.
- **433 November 29 premiere . . . in Los Angeles**: Bergstrom, "Murnau, Movietone and Mussolini," 197.
- **433** "greatly delighted" . . . "exterior shots": F. W. Murnau to William Fox, Dec. 22, 1927, 2. Copy courtesy of Janet

- Bergstrom.
- 434 "I shall mail you": Ibid.
- **434 "My dear Fred"**: William Fox to F. W. Murnau, Dec. 27, 1927, 1. Copy courtesy of Janet Bergstrom.
- **434 too big a star**: George O'Brien interview, 66, JFP.
- **434 In May 1929**: Bergstrom, "Murnau in America: Chronicle of lost films," 447.
- **434 reshot about a quarter of the movie**: Ibid.
- **434 "Such goings on" . . . "so substantial an idol"**: R. E. Sherwood, review of *The Four Devils*, unidentified publication. Audrey Chamberlin Scrapbooks, 15, MHL.
- **435** "to tell a tale about WHEAT": Bergstrom, "Murnau in America: Chronicle of lost films," 430.
- **435** half the film reshot: Ibid., 431.
- **435 In May 1929 . . . South Pacific**: Ibid., 442.
- 435 Tabu, a drama of young lovers . . . escape: Mordaunt Hall, "The Screen: Mr. Murnau's Last Picture," NYT, Mar. 19, 1931, 21;
 Arthur Calder-Marshall, The Innocent Eye: The Life of Robert J. Flaherty (New York: Harcourt, Brace & World, 1963), 127.
- **436 in late 1930**: "F. W. Murnau Killed in Coast Auto Crash," *NYT*, Mar. 12, 1931, 36.
- **436 old-fashioned hotel**: Margaret Reid, "Exile Murnau Returns Here," *LAT*, Feb. 22, 1931, B9.
- 436 in Santa Monica: "F. W. Murnau Killed in Coast Auto Crash," 36.
- 436 laughed and said only: Reid, "Exile Murnau Returns Here," B9.
- **436 By late February 1931 . . . Paramount**: "Projection Jottings," *NYT*, Mar. 1, 1931, X5.
- **436 March 10, 1931 . . . on top of Murnau**: "F. W. Murnau Killed in Coast Auto Crash," 36.
- **436 skull was fractured**: "Director's Body Rests in Film City," *LAT*, Mar. 12, 1931, A8.
- **436 ribs broken, and his lungs punctured**: "F. W. Murnau Killed in Automobile Crash," *FD*, Mar. 12, 1931, 10.
- **436 the following morning**: "F. W. Murnau Killed in Coast Auto Crash." 36.

CHAPTER 32: THE TRIUMPH OF MOVIETONE

437 May 14, 1928 . . . Movietone: "Film Trade Goes Talker," Variety,

- May 16, 1928, 5 + 29. The *LAT* reported the signing date as May 15, 1928 ("Producers Make Alliance," *LAT*, May 16, 1928, 1).
- **437** Hal Roach . . . Columbia: FCC-ERPI, Part II, 178.
- 437 "[N]one of them made": Transcript, 115.
- **437 switch in 1930 . . . records**: Theisen, "Pioneering in the Talking Picture," *JSMPE*, Apr. 1941, 433.
- **437 In 1933 . . . Columbia**: Edward W. Kellogg, "History of Sound Motion Pictures, Second Installment," *JSMPTE*, July 1955, 357.
- **437 at least one-third**: Bill of Complaint, Nov. 26, 1934, 22, *William Fox v. AT&T*, NARA-NYC.
- **438 played on a Movietone machine**: Epes W. Sargent, "Sizing Up the Talkies," *Movie Makers*, Sept. 1928, 604.
- **438 drop its ban on interchangeability**: Theisen, "Pioneering in the Talking Picture," 441.
- **438 only 5 percent silent:** Kellogg, "History of Sound Motion Pictures, Second Installment," 357.
- 438 55 for both disk and film: Ibid.
- 438 1,032 for disk and film: Ibid.
- **438 By July 1930**: J. Douglas Gomery, "The Coming of Sound to the American Cinema: A History of the Transformation of an Industry," PhD diss. (University of Wisconsin-Madison, 1975), 271.
- 438 Small theaters . . . took longer: Ibid.
- **438 as of 1935 . . . 100 percent to sound**: "A Brief Chronology of Talking Pictures," *FD*, Aug. 6, 1946, 35.
- **439 "proven sound's saleability":** Gomery, "The Coming of Sound" (diss.),188.
- 439 "the innovator of sound": Ibid., 110.
- **439** "Vitaphone was extremely": Larry Blake interview with the author, June 22, 2017.
- **439 "I'll never commit suicide":** Rene Brunet interview with Larry Blake, June 25, 2017.
- **440 de Valera . . . in Berlin**: Fox Movietone News ad, *FD*, Dec. 2, 1927, 5.
- **440 field crews . . . one or two per month**: E. I. Sponable, "Historical Development of Sound Films," *JSMPE* 48, no. 5 (May 1947): 411.

- **440 December 3 . . . regular weekly:** Fox Movietone News ad, *FD*, Dec. 2, 1927, 4-5.
- 440 February and March 1928: "Movietone Dinners," FLC.
- **440 overwhelmingly positive . . . "You cannot go too far"**: Alfred Wright to W. R. Sheehan, Feb. 3, 1928, 2, "Movietone Dinners," FLC.
- **440** "most agreeably surprised and amazed": Edwin Janss to William Fox, Feb. 3, 1928, "Movietone Dinners," FLC.
- **441 not considered to make a substantial difference**: E. H. Hansen, "Motion Picture Sound Recording," *Cinematographic Annual*, 1930, 370.
- **441 under the brand name Movietone**: Western Electric ad, *MPN*, June 15, 1929.
- **441 continue releasing silent movies**: Earle E. Crowe, "Lower Picture Net Seen," *LAT*, Apr. 21, 1929, B10.
- **441 at least \$100 million . . . as a current asset**: Transcript, 107.
- 441 amortize . . . costs within a year: Ibid.
- 441 about \$100 million a year: Ibid.
- 441 inventory would be worthless: Ibid.
- **442 more than 30 percent of U.S. studios' gross revenues**: Nathan D. Golden, "American Motion Pictures Abroad," *Transactions of the SMPE* XII, no. 33 (Apr. 9–14, 1928): 41.
- **442 forty acres . . . cactus and sagebrush**: "Mr. Fox Entertains 50,000 at Model Movietone Plant," *WP*, Oct. 28, 1928, A3.
- **442 stables for Tom Mix's horses**: Sponable, "Historical Development of Sound Films" (May 1947): 412.
- **442 On July 28, 1928**: "Mr. Fox Entertains 50,000 at Model Movietone Plant," A3.
- **442 1,200 laborers . . . eight-hour shifts**: "\$10,000,000 'Miracle City,' Home of Fox Movietones at Fox Hills, Hollywood," *Atlanta Constitution*, Dec. 22, 1929, A8.
- **442 largest . . . talking pictures studio in the world**: "Fox Sound Studio Nearly Finished," *LAT*, Oct. 7, 1928, E1.
- **442 "a dream come true"**: "Fox Erecting Large Plant," *LAT*, Oct. 1, 1928, A3.
- **442 largest privately owned electricity plant**: "Mr. Fox Entertains 50,000 at Model Movietone Plant," A3.
- 442 twenty-seven reinforced concrete buildings . . . soundproof

- stages: "New Fox Studio Thronged," LAT, Oct. 29, 1928, A1.
- 442 cottages for the stars: Ibid.
- 442 own police and fire departments: Harold B. Franklin, *Sound Motion Pictures: From the Laboratory to Their Presentation* (Garden City, NY: Doubleday, Doran & Company, 1929), 27–28.
- **442 after those at Versailles**: "Mr. Fox Entertains 50,000 at Model Movietone Plant," A3.
- **442 fourteen-foot-high concrete wall**: "New Fox Studio Thronged," A1.
- **442 Because the main problem . . . eighteen feet into:** William M. Henry, "Millions Spent in Sound-Proof Stages for Making of Talking Pictures," *LAT*, Oct. 28, 1928, C11.
- **442 two soundproof stages**: "Silent' Structures Rising," *LAT*, Oct. 21, 1928, D6.
- 443 first manmade, absolutely silent spaces: Ibid.
- **443 wouldn't feel an earthquake**: Henry, "Millions Spent in Sound-Proof Stages for Making of Talking Pictures," C17.
- **443 October 28, 1928, opening day dedication**: "New Fox Studio Thronged," A1.
- **443 invitations . . . to fifty thousand people**: Henry, "Millions Spent in Sound-Proof Stages for Making of Talking Pictures," C11.
- **443 even more showed up . . . fifteen thousand cars that jammed:** "New Fox Studio Thronged," A1.
- 443 Stanford University traffic expert: Ibid.
- 443 flower or shrub representing: Ibid.
- **443 Case having perfected . . . Sponable improving**: Sponable, "Historical Development of Sound Films" (May 1947): 413.
- 443 adding synchronized soundtracks: Ibid., 411.
- **444 "nothing short of triumphant"**: Fox Film ad, *In Old Arizona*, *EH-W*, Jan. 5, 1929, 6.
- **444 \$1.03 million against production costs of \$305,000**: R. B. Simonson memo to Edwin P. Kilroe, Mar. 26, 1930, "*In Old Arizona* Production Correspondence," FLC.
- **444 December 1, 1928, to three times weekly**: Fox Film ad, "Plain Talk About Talking Film," *LAT*, Dec. 22, 1928, 5.
- **444 on February 2, 1929, to four times**: "Daily Sound Newsreel of Fox To Start By Next September," *EH-MPW*, Dec. 1, 1928, 28.

- **444 four times weekly**: Fox Film ad, "Plain Talk About Talking Film," 5.
- **444 Alfonso XIII of Spain genially invited**: Mordaunt Hall, "The Reaction of the Public to Motion Pictures with Sound," *Transactions of the Society of Motion Picture Engineers* 12, no. 35 (Sept. 1928): 608.
- **444 George V... second time his voice:** "A Washingtonian Relates Experiences With Great," *WP*, Nov. 25, 1928, A2.
- **444 Hoover delivered his acceptance speech**: "Daily Sound Newsreel of Fox To Start By Next September," 28.
- **444 Prince of Wales, appeared three times**: "A Washingtonian Relates Experiences With Great," A2.
- **444 rustling and cheering in the Salle de l'Horloge**: Hall, "Reaction of the Public to Motion Pictures with Sound," 612.
- **444 Stresemann inscribed the first signature**: Lincoln Eyre, "Stresemann Cuts Stay In Paris Short," *NYT*, Aug. 29, 1928, 2.
- **444 Mount Etna erupted . . . two Sicilian towns**: "Etna Lava Buries 2 Sicilian Towns," *NYT*, Nov. 8, 1928, 31.
- **444 noise of houses collapsing**: "Daily Sound Newsreel of Fox To Start By Next September," 28.
- **445 March 24, 1929 . . . no more silent movies**: "Fox in Talkies Only; Signs 200 Show Folk," *NYT*, Mar. 25, 1929, 1.
- **445 when it flashed . . . blocking vehicles**: "85% U.S. Seats Wired Jan. 1," *Variety*, Mar. 27, 1929, 5.
- **445 significantly increased earnings for all the major studios in 1928**: "Answer of William Fox to 'Open Letter' of Halsey,
 Stuart & Co. of March 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 29, HTC.
- **445 two thousand of the nation's fifteen thousand movie theaters**: "Film Studios Wary of Following Fox," *NYT*, Mar. 26, 1929, 15.
- 445 three of the four movies . . . "to the great merriment": "A Candidate for the Scrap Pile!" *HR*, June 8, 1929, 92.
- **445 only small, scrappy Columbia Pictures**: "Film Studios Wary of Following Fox," 15.
- **445 "Personally, I like the silent pictures"**: "Laemmle Prefers Silent Film For Himself, But Public Rules," *EH-W*, Feb. 23, 1929, 34.
- **445 given up on silent film**: Kellogg, "History of Sound Motion Pictures, Second Installment," 357.

- **446 estimated first at \$2 million**: "Fox's Movietone Experiments to Date Represent \$2,000,000—Coin Returning," *Variety*, June 27, 1928, 5.
- 446 at \$6 million: Transcript, 121.
- 446 exclusive sound newsreel rights . . . theatrical motion picture rights: Ibid., 121–22.
- 446 AT&T had verbally promised: Ibid., 122-23.
- 446 had been granted newsreel rights: Ibid., 123.
- **446 M-G-M Movietone News**: M-G-M Movietone News ad, *FD*, June 24, 1928.
- 446 "I complained about it": Transcript, 123.
- 446 "they were to benefit" Ibid., 121.
- 446 couldn't show preference: Ibid., 123.
- 446 RCA Photophone had offered newsreel rights: Ibid.
- **446 Photophone . . . superior in quality:** "Facts About Talking Pictures and Instruments—No. 7," *HR*, Oct. 27, 1928, 172; Sargent, "Sizing Up the Talkies," 605.
- **446 horizontal, jagged-tooth pattern**: "Facts About Talking Pictures and Instruments—No. 7," 172.
- 446 sounds as different shades of gray: Ibid.
- 447 an annoying ground noise: Ibid.
- **447 \$6,500... to \$23,000**: "Standardized Equipment For Vitaphone, Movietone and Photophone Talking Films," *Variety*, May 16, 1928, 5.
- **447 Photophone appeared to be in the lead**: "Paramount and M-G-M To Make Talking Films," *FD*, May 15, 1928, 1.
- 447 to fufill its other promise: Transcript, 124.
- 447 When Fox was ready: Ibid.
- 447 "Although we asked": Ibid.
- **447 began negotiating . . . never signed**: Gomery, "The Coming of Sound" (diss.), 234.
- **447 Around July 1927 . . . ERPI's lawyers**: FCC-ERPI, Part II, 473.
- **447 North American rights . . . \$60,000**: Transcript, 126.
- 448 Fox wanted to buy them: Transcript, 126.
- 448 "If you want our company's help": Transcript, 127.
- 448 "My interest in this matter": FCC-ERPI, Part II, 474.
- **448 September 4** . . . **named himself personally**: "Test Suit Opens Over Movie Patent," *NYT*, Nov. 29, 1932, 23.

- **448 contractually obligated to share**: Gomery, "The Coming of Sound" (diss.), 180.
- 448 available for their mutual benefit: FCC-ERPI, Part II, 480.

CHAPTER 33: THE ONE GREAT INDEPENDENT

- **449 "receive masterpieces of the cinema":** "The Story of William Fox" press release, 13, HCC.
- **449** "He was a subordinate": "Answer to Sheehan Affidavit," in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 17, HTC.
- **449 "The one great independent"**: Fox Film ad, *Dressed to Kill, EH-MPW*, Mar. 24, 1928, 10.
- **450** "an icy cold bearing": Winfield R. Sheehan memo, Oct. 24, 1927, 1, JFP.
- 450 "wants to see how faith": Ibid.
- **451** "[a] n entirely fresh slant": Kann, "Four Sons," FD, Feb. 13, 1928, 1.
- **451 "the greatest film Ford has ever"**: Hodges, review of *Four Sons*, *EH-MPW*, Feb. 18, 1928, 32.
- **451 sixteen-week debut . . . \$10,000 a week**: "Two-Dollar Hits and Flops," *HR*, June 9, 1928, 89.
- 452 Receipts then dropped off . . . only \$6,000: Ibid.
- 452 gave away many free tickets: Ibid.
- **452 Roxy Theatre on August 11, 1928**: "Four Sons Beginning 2-Week Roxy Run," *EDR*, Aug. 10, 1928, 2.
- **452 During its first week**: "Picture or Show?," *Variety*, Aug.29, 1928, 4.
- **452 world's record . . . \$143,906.75**: Fox Film ad, *Four Sons*, *EDR*, Sept. 20, 1928, 4.
- 452 brought in about \$125,000: "Picture or Show?" 4.
- **452 break-even point of \$84,000**: "Roxy's \$104,000, Ovrhd., \$84,000 Each Week," *Variety*, Oct. 12, 1927, 5.
- **452 beat house records**: Fox Film ad, *Four Sons*, *EDR*, Sept. 20, 1928, 4.
- **452 best picture of the year**: Fox Film ad, *Four Sons*, *FD*, Dec. 23, 1929.
- **452** "story of all emigrant mothers": "Ford Enthusiastic," MPN, Oct.

- 2, 1926, 1255.
- **452 keeps her silence . . . reunited**: Sid, review of *Mother Machree*, *Variety*, Mar. 7, 1928, 23.
- **453 sympathy for the downtrodden**: "Called a 'Nut,' When He Bought First House, Fox Shows 'Em How," *EH-W*, Mar. 9, 1929, 9.
- **453** *Mother Machree* . . . mixed reviews: "Newspaper Opinions, *Mother Machree*," *FD*, Mar. 11, 1928, 4.
- **453 Globe Theatre . . . spring of 1928**: "Two-Dollar 'Hits' and 'Flops,'" 92.
- 454 in his mid-thirties: Born Apr. 23, 1894.
- **454** "the director with a heart": "Will Rogers, 1966," Box 4, Envelope 9, p. 9, VMSP.
- **454** "a big, powerful and gentle": S. N. Behrman, *People in a Diary* (Boston: Little, Brown, 1972), 139.
- 454 "very soft spoken": Oral History of Joseph Ruttenberg, 117, AFI.
- **454 "very sensitive"**: Oral History interview with Janet Gaynor (1958), 10. CCOHA.
- **454** "He had a fine, gentlemanly way": Oral History of Joseph Ruttenberg, 149, AFI.
- **454 hit Broadway play**: "Fox Presenting Six Big Stage Successes," *MPW*, May 16, 1925, 332.
- **455 remain for a phenomenal twenty-three weeks**: Fred A. Miller, "Carthay Circle Depends on Auto, Gas and Good Roads," *MPN*, Sept. 24, 1927, 224.
- **455** "a gem of the purest ray serene": "Newspaper Opinions, *The Street Angel*," *FD*, May 6, 1928, 5.
- **455** "tender and tragic": *Seventh (sic) Heaven* review, *Photoplay*, July 1927, 54.
- **455 worldwide gross rentals of \$1.8 million**: Robert Birchard commentary, *7th Heaven* DVD.
- **455** "a carbon copy": "Newspaper Opinions, *The Street Angel*," *FD*, May 6, 1928, 5.
- 455 "only a synthetic jewel": Ibid.
- 455 own merits were captivated: Ibid.
- **455** *Street Angel* . . . near-capacity business: "Two-Dollar Hits and Flops," 89.
- 455 "sensational" revenue during a four-week run: "Picture or

- Show?" 4.
- **456 "O dear me, no!"**: *Loves of Carmen* review, *Photoplay*, Sept. 1927, 53.
- **456** "a product like shoes": Oral History of Charles G. Clarke © 1971, 11, Courtesy of AFI.
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- **461 "There is an ardent desire"**: Muse, "Hearts of Dixie," *Chicago Defender*, Feb. 9, 1929, 7.
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- **464 bought the twenty-theater Poli circuit . . . to sound**: "Poli Circuit Purchased by William Fox," *MPN*, July 28, 1928, 265.
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- **467** "in perfect working order": William Fox to Albert M. Greenfield, Aug. 19, 1927, AMG.
- **467** "I am embarrassed": William Fox to Albert M. Greenfield, May 17, 1927, AMG.
- **467 fobbed the matter off . . . check now**: William Fox to Albert M. Greenfield, Aug. 19, 1927, AMG.
- **467 personal check for \$5,000**: "Lives of 861 Employees Insured by Fox Films," *MPN*, Nov. 4, 1927, 1438.
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- **467 "I only met him"**: Oral History interview with Janet Gaynor (1958), 5, CCOHA.
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- **468 hated each other . . . furious drinking binge**: Lefty Hough interview, 18, JFP.
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- 468 "I didn't make a picture": Ibid.
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- 468 "Arguing with Sheehan never": Ibid., 239.
- **469 executor of his estate**: John Ford, handwritten last will and testament, Feb. 9, 1927, JFP.
- 469 "Sol protected him": Wingate Smith interview, 52, JFP.
- 469 fighting with Wurtzel: Transcript, 426.
- **469 six-week trip . . . New York**: "Superintendent of Fox Studios Back from East," *LAT*, May 2, 1927, A11.
- **469 wasn't coming back**: "Wurtzel Plans Long Vacation; His First In Fifteen Years," *MPW*, Mar. 19, 1927, 180.
- 469 Sheehan pressured Fox to fire Wurtzel: Transcript, 426.
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- 470 "Wow" . . . "during his humiliation": Ibid.
- **471** "the wit of Broadway": "Arthur Caesar," *LAT*, Apr. 23, 1929, C13.
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- 471 his wife, and his son and daughter: Transcript, 426.
- 471 "sounded splattered": Behrman, People in a Diary, 139.
- 471 "You really couldn't have a conversation": Ibid., 144.
- 472 "Sorry, if you want": "Sol Wurtzel vignette."
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- **472** "All about me people": Gaynor, "My Life—So Far," as told to Dorothy Spensley, *Photoplay*, Jan. 1929, 123.
- **472 \$1,000 . . . she wanted at least \$3,000**: "Fox Would Renew Gaynor Pact at \$1,000 Weekly," *FD*, Nov. 21, 1927.
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- 472 five-year contract with graduated pay: Ibid.
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- **472 telegraph pole in a loud costume**: Transcript, 86.
- **472** "all shot to pieces": "Leading Film Stars of 1927," *Variety*, Jan. 4, 1928, 8.
- **473** "It is with sincere regret": "Tom Mix Ends Long Service in Fox Films," *WP*, Feb. 11, 1928, 5.
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- **473 hospital stays . . . convalescence**: Ibid.
- **473 Hollywood Hills . . . phone to ring**: Ibid.
- 473 Hangman's House . . . thought he did: Ibid., 97.
- **473 Victor McLaglen . . . cast instead**: "M'Laglen Will Take Farnum's Place in *Hangman's House*," *LAT*, Mar. 11, 1928, C18.
- **473 In early October 1928**: "Raoul Walsh May Lose Eye Cut in Windshield Smash," *FD*, Oct. 8, 1928, 3.
- 473 A jackrabbit dashed . . . his face: Ibid.

- 473 sent a team of doctors: Walsh, Each Man In His Time, 225–26.
- 473 Fox personally called Walsh's father: Ibid., 227.
- **473 Fox arranged . . . Carlton Wells**: Ibid., 228, 231.
- **473 shared credit with Walsh**: Walsh had also been playing the lead role of the Cisco Kid. Warner Baxter replaced him on-screen, and his performance won the Best Actor Academy Award.
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- **474 motion picture industry lecture series**: "Kennedy to Direct Motion Picture Course At Harvard," *MPN*, Feb. 4, 1927, 382.
- **474 supposed to discuss . . . foreign development**: "Harvard Lectures," 5.
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- **474 sent a Fox News camera crew to Hungary**: University of South Carolina Newsfilm collection.
- **475 Louis XV fauteuils . . . red-velvet draperies**: Fox Hall Inventory, "Theatre, Furnishings, First Floor, Throughout," New York City Municipal Archives.
- **475** "Here is your village" . . . beloved homeland: Angela Fox Dunn interview with the author.

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- **476 board of directors meeting . . . unconscious in his chair**: "J. C. Eisele, Banker, Dies in His Office," *NYT*, Apr. 8, 1927, 23.
- **476** By the time . . . died: Ibid.
- **476 died of heart failure**: "John C. Eisele Dies Suddenly," *MPW*, Apr. 9, 1927, 535.
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- **476 formulate the studio's financial policy . . . interest in film production**: "Eisele's Death Mourned in Business World," *MPN*, Apr. 22, 1927, 1444.
- 476 real estate expert . . . Fox Hills studio property: Ibid.

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- **477 assistant to . . . Jack G. Leo**: "Fox Folks Plan Frolic," *MPN*, Feb. 4, 1927, 377.
- **477 second vice president of Fox Theatres**: "Fox Theatres Corp.," *Film Daily Year Book 1927*, 654.
- **477 twenty lesser Fox corporations**: Irene Kuhn, "Mystery Girl in Robe No Myth-Maid, Sleuths Say," *Buffalo Courier Express*, May 27, 1929, 3.
- **477 buffet supper . . . McAlpin Hotel**: "Fox Folks Plan Frolic," 377.
- **477 fêted at a testimonial dinner . . . liquor sets**: "Foxites Honor Tauszig," *MPN*, Apr. 8, 1927, 1248.
- **477 executive adviser to the Fox Film basketball team**: Photo caption, *MPN*, Feb. 11, 1927, 465.
- **477 immediately resigned . . . disposing of all**: James Conniff and Richard Conniff, *The Energy People: A History of PSE&G* (Newark, NJ: Public Service Electric and Gas Company, 1978), 147–48.
- 477 "the value of the dollar": Ibid., 75.
- 477 lost faith in Fox's leadership: Ibid.
- **477 in tribute to show business**: Transcript, 68–69.
- **477 nine-hundred-seat McCarter Theatre**: "\$250,000 Theatre Given to Princeton," *NYT*, June 19, 1927, E3.
- **478** "No, no," Fox reprimanded: Jo-Ann Fox Weingarten interview with the author,
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- **478 "Of all things for Aaron"**: Angela Fox Dunn, Unpublished William Fox notes, no. 6, p. 11. AFD.
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- **479** His first wife, Hazel . . . "embarrass me very much": "Mrs. Fox Details Cruelty Charges," *Brooklyn Standard Union*, Jan. 19, 1922.
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- **480 flowers covered . . . the grounds**: Crawford, "Marcus Loew Is Laid to Rest," 77.
- **480 Maimonides Cemetery . . . honorary pallbearer**: Crawford,

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- **480 1,334,453 outstanding shares**: "William Fox Buys Control of Loew's, Inc.," *NEN*, Mar. 2, 1929.
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- 480 Nicholas Schenck had been the company's active head: Ibid.
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- **481 first in quality**: "Fox's Loew Buy a Talk Riot," *Variety*, Mar. 6, 1929, 5; "Year in Pictures," *Variety*, Jan. 4, 1928, 7.
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- 481 "I saw those revenues disappear": Ibid.
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- **481 \$17 million in annual savings**: Ibid., 136–37.
- 482 outweigh foreign revenue loss: Ibid., 136.
- 482 "worked on the theory": Ibid., 176.
- 482 As a woman . . . into bonds instead: Ibid.
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- **483 Fox...bid \$12 million...\$15 million**: Ibid.
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- **484 total of about \$13 million**: Transcript, 222.
- **484 average duration of more than twenty years**: Vischer, "Fox Buys 200 N.Y. Theatres," 22.
- **484 up to \$7.5 million**: Ibid.
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- **484 sixty-eight-acre First National Studio**: "Warner Bros. History," 3, File 15494B, WBA.
- **485** "Anaconda Adolph": Allene Talmey, *Doug and Mary and Others* (New York: Macy-Masius, 1927), 51.

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- 485 "little brief man": Ibid.
- 485 "Zukor kills": Ibid.
- 485 persuade Carrie Loew not to sell: Transcript, 176.
- **485 stock swap . . . was worth**: "Fox Versus Zukor Looms As Battle of Giants With Close Of Loew-M-G-M Negotiations," *MPN*, Mar. 2, 1929, 688; "Fox's Loew Buy a Talk Riot," 10.
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- **486** "hasn't a word of truth": "'Lies,' Is Comment of William Fox On Reported Loew's-M-G-M Deal," *FD*, Dec. 11, 1928, 1.
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- **487 commercial photographer**: "Divorce Suit Filed by Mrs. D. N. Tauszig," *NYT*, Jan. 10, 1929, 27.
- **487 Clare Nussenfeld:** "Says Tauszig Met Girl After Divorce Raid," *Nassau Daily Star*, Oct. 9, 1929, 1.
- **487 Flea Circus**: "Girl Named in Tauszig Divorce Suit," *New York Mirror*, Oct. 9, 1929, 3.
- **487** *Whoopee!* . . . roller-coaster ride: "Girl Named in Tauszig Divorce Suit," 3.
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- **487 Police Department's bomb squad**: "T. J. Tunney Dead; Foe of Black Hand," *NYT*, Jan. 27, 1952, 76.
- **487** "sweetheart" . . . "monkey": "Girl Named in Tauszig Divorce Suit," 3.
- **487** "curse to men, women": "Fox Standard Feature Shows Up Divorce," *MPN*, Apr. 20, 1918, 2388.
- **487 Suite 642 of the Montclair Hotel**: "Girl Named in Tauszig Divorce Suit," 3.
- **487 detectives took rooms**: "Fox's Daughter in Suit Cites Raid on Husband," *NYT*, Oct. 8, 1929, 63.
- **487 playing cards**: "Tell of Woman Found in Room with Tauszig," 1.
- **488 hat and coat . . . into Tauszig's room**: "Fox's Daughter in Suit Cites Raid on Husband," 63.
- **488 tall, slender:** "Mystery Woman in Divorce Suit Is Known," 1; "Tell of Woman Found in Room with Tauszig," 1.
- **488 next to a twin bed . . . ankles**: "Tell of Woman Found in Room with Tauszig," 1.
- **488 against a table . . . covering her face**: Ibid.
- **488 chased her there**: "Screen Divorce Scandal Aired," *LAT*, Oct. 8, 1929, 15; "Tell of Woman Found in Room with Tauszig," 1.
- **488 "Gentlemen, is that necessary?"**: "Screen Divorce Scandal Aired," 15.
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- **488 assault charges**: "Divorce Suit Filed by Mrs. D. N. Tauszig," 27; "Vanishing Girl Named in Divorce," *LAT*, May 27, 1929, 3.
- **488 Louis S. Levine**: "Fox's Daughter in Suit Cites Raid on Husband," 63.
- **488 couldn't identify**: "Divorce Raiders Freed," *NYT*, Jan. 17, 1929, 12.
- **488 Eva Fox's cousin . . . purchasing agent**: "Fox's Daughter in Suit Cites Raid on Husband," 63.
- **488 \$10 million . . . to intermediary Nicholas Schenck**: Transcript, 139.
- **488 another 37,500 Loew's shares**: William Fox, interview with William Gray, June 8, 1932, 8, US-MSS.
- 488 David Warfield: "Fox's Loew Buy a Talk Riot," 5.
- 488 about \$65: "Financial," FD, Jan. 7, 8, and 9, 1929, 2.

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- **489 he had better hurry**: Saul Rogers testimony, SEPH, Part 8, at 3703.
- **489** "an unfair method": "Federal Trade Commission's Brief in Famous Players Investigation," *Variety*, Sept. 30, 1925, 31.
- **489 15,000 to 20,000 movie theaters . . . largest producers and distributors:** "R.C.A.'s Big Merger Plan," *Variety*, Apr. 17, 1929, 5.
- **489** "a close knitted community remote": J. D. Williams, "Proceedings of the Fifth Annual Motion Picture Conference," 183, NBR.
- 489 "much more closely": Ibid, 184.
- **489 September 28, 1928 . . . restrain trade**: "Nine Companies Face Film Suit," *LAT*, Sept. 29, 1928, A1.
- **490** At issue was . . . "clearance": Ibid.
- **490 40 percent of U.S. film production**: "Big Movie Companies In Anti-Trust Suits," *Atlanta Constitution*, Nov. 28, 1929, 6.
- **490** eight hundred theaters, the largest circuit in the world: "An Epic of the Screen," *EH-W*, Mar. 16, 1929, 24.
- **490 \$12 million to \$14 million out of a \$20 million**: "See Fox-Paramount Clash," *Variety*, Mar. 13, 1929, 5.
- **490 Donovan, had changed that policy**: "Government's Approval Policy On Mergers Now Slated To Be Modified," *MPN*, Aug. 10, 1929, 525.
- **490 tantamount to official decisions**: Ibid.
- **490 campaign adviser and speechwriter**: Douglas Waller, *Wild Bill Donovan*: *The Spymaster Who Created the OSS and Modern American Espionage* (New York: Free Press, 2011), 41.
- **490 declined to be interviewed . . . smiled**: "Donovan Looms Up Again for Cabinet," *NYT*, Jan. 13, 1929, 2.
- 490 Days later: Transcript, 137.
- **490 Bishop's Lodge resort**: "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 18, HTC.
- **490 Boulder Dam Commission . . . Rio Grande**: "Donovan Rejects Hoover Offers; Good Gets War Post," *New York American*, Feb. 28, 1929, 2.

- **490** Accompanying Fox was Sheehan . . . friends: Transcript, 393.
- **491 two chains would complement each other**: William Fox testimony, SEPH, Part 8, at 3658.
- 491 wasn't going to dismiss the successful: Ibid., 3660.
- **491 merge the two companies**: "Fox Run Up 6, Past 85," *Variety*, Dec. 21, 1927, 10.
- **491 consolidate both Fox companies with Loew's**: William Fox testimony, SEPH, Part 8, at 3658.
- 491 "even if this consolidation": Transcript, 137.
- 491 hands full with the Boulder Dam project: Ibid., 138.
- **491** He urged Fox . . . for the deal to go through: Ibid.
- **491 "Donovan was the man"**: Edward L. Bernays, "Notes on William J. Donovan," 4, Box 458, Edward L. Bernays Papers, LOC-MSS.
- **491 no more than eight days**: Transcript, 139.
- **491 only twenty-four hours to return**: Ibid., 138.
- **492 Anthony R. Kuser . . . West Palm Beach**: "Col. A. R. Kuser Dies; Jersey Capitalist," *NYT*, Feb. 9, 1929, 17.
- 492 "a great believer in me": Transcript, 451.
- **492 funeral on February 14 in Bernardsville, NJ**: "Notables at Funeral of Col. A. R. Kuser," *NYT*, Feb. 15, 1929, 17.
- 492 on Thursday, February 21, 1929: Transcript, 139.
- **492 half an hour earlier**: Ibid., 138.
- **492 at the Ambassador Hotel**: Saul Rogers testimony, SEPH, Part 8, at 3706.
- 492 wasn't entirely sure about clearance . . . not violate the Clayton Antitrust Act: Ibid., 3705.
- 492 If circumstances were to change: Ibid.
- 492 asked Thompson for a letter: Ibid.
- 492 as to be meaningless: Ibid.
- **492 Thompson didn't object**: Ibid., 3707.
- 492 "You feel that your position": Ibid., 3705.
- 493 except for that qualification: Ibid.
- **493** "any change of situation": Ibid.
- 493 Thompson had told him it was all right: Transcript, 179.
- **493 widely understood . . . would explicitly warn**: "Fox-Loew Deal Shows U.S. Did Not Oppose It," *FD*, Mar. 3, 1929, 1.
- **493 Schenck had nearly run**: Transcript, 139.
- 493 The Warners had raised their offer: Ibid.

- 493 Schenck agreed to wait: Ibid.
- 493 On Monday, February 25: Ibid.
- 493 met with Western Electric president Edgar S. Bloom: Ibid., 342.
- 493 unless he formally waived: Ibid., 124.
- 493 Fox agreed: Ibid.
- 493 next condition for a loan: Ibid., 125.
- **494 would not surrender**: Ibid.
- 494 worthless anyway: Ibid.
- 494 "entertain a proposition": Ibid.
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 - N. R. Danielian, *AT&T: The Story of Industrial Conquest* (New York: Vanguard Press, 1939), 155–56.
- 494 due on February 24, 1930: Transcript, 687.
- **494 asked for a longer term**: Ibid., 117.
- 494 "I was told not to worry": Ibid.
- 494 "They didn't want it in writing": Ibid.
- 494 for both Fox companies: Ibid., 131.
- **494 \$2 million . . . retiring previous obligations**: William Fox testimony, SEPH, Part 8, at 3657.
- **494 \$16 million**: Transcript, 131.
- **494 400,000 shares . . . three bank loans**: Ibid., 132.
- **494 valued the Loew's shares at \$40**: Ibid., 131.
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- **494 Chatham and Phenix Bank**: Transcript, 131.
- **494 where Western Electric president Bloom was a director**: FCC-ERPI, Part II, 477n1.
- 494 Bank of America: Transcript, 131.
- 495 Bankers Securities: Ibid.
- **495 long-term financing . . . selling securities**: William Fox to Upton Sinclair, July 8, 1932, US-MSS.
- **495 Hoover offered the job . . . the Philippines**: Richard V. Oulahan, "Hoover Expected to Name W. D. Mitchell, A Democrat, As His Attorney General," *NYT*, Feb. 27, 1929, 1,
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- 495 rejected Hoover's offers . . . practicing law: Ibid.
- 495 Donovan had offended: Carter Field, "Col. Donovan Is Believed

- Hoover Choice for Attorney," *New York Herald Tribune*, Jan. 10, 1929, 1.
- 495 Fox was stupefied: Transcript, 139.
- 495 as having occurred in March: Ibid.
- 495 Thursday, February 28, 1929: "Fox's Loew Buy A Talk Riot," 5.
- 495 office of Dr. A. P. Giannini: Ibid.
- **495 in service to American big business**: Richard Hofstadter, *The American Political Tradition, And the Men Who Made It* (New York: Vintage Books, 1989, originally published 1948), 378–79.
- **496** "that we shall stimulate": Herbert Hoover, *American Individualism* (New York and Garden City: Doubleday, Page & Company, 1922), 9.
- **496** hit the financial tickers: "William Fox Buys Control of Loew's, Inc.," *NEN*, Mar. 2, 1929.
- 496 United Press quickly issued: Ibid.
- 496 one-page: "Fox's Loew Buy A Talk Riot," 5.
- **496 forty or fifty reporters pressed**: George Gerhard, "Fox Acquires Loew's, Becomes Leader of Movie Industry; \$400,000 Is Involved," *New York Evening World*, Mar. 4, 1929.
- 496 "By a process of meticulous": Ibid.
- **496** "The man with the Midas touch": Nelson B. Bell, "The Master Buyer Places Fifty Million on the Line," *WP*, Mar. 10, 1929, A2.
- **496** "brilliant show of power": Vischer, "Fox Buys Loew's, M-G-M; Assets Now 230 Million; Industry's Largest Deal," *EH-W*, Mar. 9, 1929, 17.
- **496** "biggest and most startling theatre deal": "Fox's Loew Buy A Tak Riot," 10.

CHAPTER 36: BIG MONEY

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- **497 \$21.8 million** . . . **another \$1 million**: Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," Apr. 4, 1930, 28. HTC.
- **498 \$3.1 million . . . \$6 million**: Ibid., 29.
- **498 \$2 million in dividends . . . \$3.2 million**: Fox Film Corporation

- Annual Reports, 1927 and 1928. Watson Business & Economics Library, Columbia University, New York City.
- **498 Fox Theatres . . . as a "retail division"**: Halsey, Stuart & Co., *The Motion Picture Industry as a Basis for Bond Financing*, 25.
- **498 no major enterprise**: Lauchlin Currie, "The Decline of the Commercial Loan," *The Quarterly Journal of Economics* 45, no. 4 (Aug. 1931): 701–2.
- 498 risk of bankruptcy: Ibid., 704.
- **498 "white heat" of speculation**: Oral History interview with Ferdinand Pecora (1962), 803. CCOHA.
- **498 452 million shares . . . 920 million shares**: H. Parker Willis, "Who Caused the Panic of 1929?" *North American Review* 229, no. 2 (Feb. 1930): 176.
- 498 more than 28 percent of their resources: "Operation of the National and Federal Reserve Banking Systems," Hearings Before a Subcommittee of the Committee on Banking and Currency, U.S. Senate, 71st Congress, S. Res. 71, Part VII, 1010.
- **499 Fox Theatres increased . . . to 1,583,000**: Pierre de Rohan, "Fox Wins Vote by Twenty to One," *New York Morning Telegraph*, Mar. 7, 1930, 1; "New Tangles Loom For Fox Finances," *WP*, Mar. 7, 1930, 4.
- **499 \$36.25 million in bonds . . . Fox theaters**: William Fox to Upton Sinclair, July 1, 1932, US-MSS.
- **499 responding to advertising and oral tips**: Oral History interview with Ferdinand Pecora (1962), 803, CCOHA.
- 499 "bedrock stability": 1928-1929 Datebook, JSP.
- **499 "Stocks don't stay up"**: William Fox interview with William Gray, Wednesday, June 15, 1932, Part 2, 3, US-MSS, Series III, Box 24, File 2.
- **500 selling at around \$55**: "Paramount Stock, Ignoring Trade Commission, Scores Gain," *Variety*, July 13, 1927, 8.
- **500** "**if the last sale was 57**½": Byam K. Stevens testimony, SEPH, Part 3, at 1002.
- **500 Fox fed the syndicate**: William Fox interview with William Gray, June 15, 1932, Part 2, 13, US-MSS.
- **500 invested \$120,000 . . . profit of \$84,723**: William A. Gray statement, SEPH, Part 3, at 1006.
- **500 his Taylor, Thorne account . . . Eisele & King**: William A. Gray,

- SEPH, Part 3, at 982.
- 500 \$80-\$90 range: William A. Gray statement, SEPH, Part 3, at 1037.
- **500 totaling 267,216 shares**: William Fox to Upton Sinclair, June 1, 1932, 1, US-MSS.
- **500 finance the \$16 million purchase of the Wesco shares**: Richard F. Hoyt testimony, SEPH, Part 3, at 1034; William Fox testimony, SEPH, Part 8, at 3735.
- **501 shares were offered at \$75**: Richard F. Hoyt testimony, SEPH, Part 3, at 1034.
- **501 from \$7 to \$13 higher**: William A. Gray statement, SEPH, Part 3, at 1037.
- **501 Fox Film netted \$9 million**: Richard F. Hoyt testimony, SEPH, Part 3, at 1047.
- 501 within forty-five days: Ibid., 1046.
- 501 three-quarters of a Fox Film Class A share: Ibid., 1034.
- **501 109,000 of the total 295,000 Wesco shares**: Ibid., 1034, 1038.
- 501 81,750 Fox Film shares: Ibid., 1036.
- **501 took another 60,466 shares at \$75**: William Fox to Upton Sinclair, June 1, 1932, 1, US-MSS.
- **501 four days before**: William J. Galligan testimony, SEPH, Part 3, at 1017.
- **501 scheduled to end in early April 1928**: Ibid., 1006.
- **501 sold only a few . . . at a profit**: Richard F. Hoyt testimony, SEPH, Part 3, at 1041.
- 501 the firm halted sales: Ibid.
- **502 climb from \$72**: "Sales of Film Stocks in New York Exchanges During 1928," *FD*, Jan. 4, 1929, 1.
- **502 well over \$100**: William A. Gray statement, SEPH, Part 3, at 1042.
- **502 didn't warrant the price increase**: Transcript, 148.
- **502** "big ten" . . . huge profits: "Cutten Comes Here, Watches Market," *NYT*, Sept. 30, 1928, 41.
- **502 One of Durant's pet stocks**: Transcript, 148.
- **502 gross profit of \$1.6 million**: Richard F. Hoyt testimony, SEPH, Part 3, at 1041.
- **502 ended on September 10, 1928**: Hayden, Stone & Co.–Fox Film syndicate summary, SEPH, Part 3, at 1039.
- 502 all-time high of \$1195%: "Sales of Film Stocks in New York

- Exchanges During 1928," 4.
- **502 settled around \$109**: William Gray statement, SEPH, Part 3, at 1042.
- **502 mortgages . . . Movietone City construction**: "Fox Film Corp. Offers Class A Shares at \$85," *WSJ*, Sept. 18, 1928, 3.
- **502 another 153,444 Fox Film shares at \$85 each**: William Fox to Upton Sinclair, June 1, 1932, 2, US-MSS.
- **502 taking all but 247 shares . . . twenty-one days**: William Fox interview with William Gray, June 8, 1930, 21–22, US-MSS.
- **502 drifted down to the mid-\$80s**: Transcript, 160.
- **503 August 31, 1928** . . . **October 30, 1928**: William A. Gray statement, SEPH, Part 3, at 1027.
- **503 "obligation" . . . "I did the best"**: William Fox interview with William Gray, June 15, 1932, Part 2, 11, US-MSS.
- 503 never put his own name: Ibid., 2.
- **503 twenty-two brokerage houses:** George K. Watson and William Gray statements, SEPH, Part 3, at 1085.
- **503 up to seven accounts**: George K. Watson testimony, SEPH, Part 3, at 1085.
- **504 standard bankers' commission of \$3**: William Fox to Upton Sinclair, June 1, 1932, 3–4, US-MSS.
- **504 700,000 new shares . . . Fox Theatres**: Ibid., 3.
- **504 The other 83,000 Fox Theatres shares**: de Rohan, "Fox Wins Vote by Twenty to One," 1.
- **505** In his late thirties . . . former cigar salesman: L. B. N. Gnaedinger, "Radio Has Made a New Millionaire," *NYT*, Mar. 18, 1928, 143.
- **505 one of the shrewdest minds**: "Theatre Stocks Crash Under Wholesale Dumping," *Variety*, June 13, 1928, 4.
- **505 options . . . from \$26 to \$28**: William Fox to M. J. Meehan & Co., Dec. 6, 1928, presented in SEPH, Part 3, at 1060.
- **505 10 percent of the net profits**: Bradford Ellsworth to John J. Raskob, Dec. 18, 1928, JJRP.
- **505 phony transactions . . . 35 percent**: William Gray statement, SEPH, Part 3, at 1059.
- **505** "are always glad to follow": Bradford Ellsworth statement, SEPH, Part 3, at 1058.
- 506 as high as \$37₇/8: "Fox May Urge Theater Patrons to Buy Stock,"

- CDT, Oct. 13, 1929, B3.
- **506 five and a half weeks**: William Gray statement, SEPH, Part 3, at 1054.
- 506 a profit of \$433,308: Ibid.
- **506 nearly \$2 million**: Ibid., 1063.
- **506 Fox's share was \$322,960**: Ibid., 1072.
- **506 never expressly authorized him**: George K. Watson and William Gray statements, SEPH, Part 3, at 1087.
- **506** "[I] t was best not": William Fox interview with William Gray, June 15, 1932, Part 2, 18. US-MSS, Series III, Box 24, File 2.
- **506 information in his head**: Ibid., Part 2, 17–18, US-MSS, Series III, Box 24, File 2.
- **507 through five different brokerage houses**: William A. Gray statement, SEPH, Part 3, at 1055 and 1083.
- **507 cleared directly between two**: George K. Watson and William Gray statements, SEPH, Part 3, at 1083.
- **507 check made out**: William Gray statement, SEPH, Part 3, at 1072.
- **507 hide Fox's identity from . . . clerical employees**: P. J. Higgins's testimony, SEPH, Part 3, at 1072.
- **507 "rotten" practice**: William Gray, quoting Fox, SEPH, Part 3, at 984.
- **507 "perfectly proper"**: William Fox interview with William Gray, June 15, 1932, Part 1, 9; Part 2, 9, US-MSS, Series III, Box 24, File 2.
- **507** "Short selling is a common practice": Ibid., Part 2, 6–7, US-MSS, Series III, Box 24, File 2.
- **507 never having handled theater securities**: "An Open Letter by Halsey, Stuart & Co., Inc., And Statement and Affidavit of Winfield R. Sheehan," Mar. 24, 1930, 2, HTC.
- 507 solicited the business: William Fox to the Stockholders of Fox Film Corporation and Fox Theatres Corporation, Apr. 8, 1930, in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 6, HTC.
- **508 ate up its commission**: "An Open Letter by Halsey, Stuart & Co., Inc., And Statement and Affidavit of Winfield R. Sheehan," Mar. 24, 1930, 2, HTC.
- **508 another banking firm . . . final \$4 million**: Ibid., 4.

- **508 take over the second mortgage bond underwriting**: Ibid.; "Fox Floats \$4,000,000 Debentures on Poli Chain," *EDR*, Sept. 11, 1928, 1.
- **508 special payment of \$1 million**: "An Open Letter by Halsey, Stuart & Co., Inc., And Statement and Affidavit of Winfield R. Sheehan," 5–6. HTC.Transcript, 149.
- 508 "past services": Transcript, 149.
- **508 well compensated . . . \$48 million**: "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 5. HTC.
- **508** public oversubscribed . . . made good money: Ibid., 7.
- **508 Richard F. Hoyt . . . skilled airplane pilot:** "Richard F. Hoyt, 46, Financier, Is Dead," *NYT*, Mar. 8, 1935, 21; "Richard Hoyt, Financier, Dies After Operation," *BDE*, Mar. 7, 1935.
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- 509 ingratiating manner: USPWF, 94–95.
- **509 huge inverted pyramid**: Oral History interview with Ferdinand Pecora (1962), 689, CCOHA.
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- **509 \$2.5 million . . . in Washington, DC**: "H. L. Stuart Yields on Fraud Charge," *NYT*, Oct. 6, 1932, 2.
- 509 \$16 million in prior liens: Ibid.
- **509 foreclosure proceedings in 1927:** "Sues for Equity in \$12,025,000 Deal," *NYT*, Sept. 9, 1930, 29.
- **509 charged with mail fraud**: "H. L. Stuart Yields on Fraud Charge," 2.
- **510** "tuneful . . . high order": Halsey, Stuart & Co. ad, *The Milwaukee Journal*, Dec. 20, 1928.
- 510 profiled business leaders: Julia C. Ott, When Wall Street Met Main

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- **510 companies whose securities Halsey, Stuart was selling**: Ibid., 183.
- **510 mellow-voiced**: Pecora, Wall Street Under Oath: The Story of Our Modern Money Changers (New York: Simon and Schuster, 1939), 233.
- **510 middle-aged**: "Bertram G. Nelson, Retired Professor" *NYT*, Dec. 30, 1938, 15.
- **510** University of Chicago professor of public speaking: "Old Counsellor Bares Parrot Role," *Pittsburgh Press*, Feb. 19, 1933.
- **510 Bertram J. Nelson . . . for fifty dollars a week**: Ibid. In its 1938 obituary, the *New York Times* would give Nelson's middle initial as "G" ("Bertram G. Nelson").
- **510 prepared . . . at the Halsey, Stuart offices**: Harold L. Stuart testimony, Feb. 17, 1933, SEPH, Part 5, at 1625.
- **510 investment of \$375,000 . . . more than \$65,000**: "Hayden Stone & Co., account 703, participations," SEPH, Part 3, at 1040.
- **510 \$10.4 million in cash profits to him personally**: Ferdinand Pecora statement, SEPH, Part 6, at 2851.
- **510** helped draft the Federal Reserve . . . 1914 to 1918: "H. Parker Willis, Economist, Is Dead," *NYT*, July 19, 1937, 15.
- **510 violated "[p] ractically every maxim"**: Willis, "Who Caused the Panic of 1929?," 181.
- **510 "a national disgrace"**: Ibid., 183.
- **511 increased its assets to nearly \$31.6 million**: "Bankers Securities Corporation Condition," June 29, 1929, AMG.
- 511 "the most damnable practice": USPWF, 363.

CHAPTER 37: TROUBLE

- **512 Shortly after . . . Fox News interview**: William Fox testimony, SEPH, Part 8, at 3662–63.
- **512 Mitchell rebuffed him . . . charge of antitrust**: Ibid.
- **512 end of May 1929**: "J. L. O'Brian Chosen As Aide To Mitchell," *NYT*, May 24, 1929, 16.
- **513 arm-twisted by Hoover**: Oral History interview with John Lord O'Brian (1967), 335, CCOHA.
- 513 "considerable sacrifice": Ibid.
- 513 "as I read this record": Transcript, 140.

- **513 answer only if O'Brian asked**: William Fox testimony, SEPH, Part 8, at 3664.
- 513 O'Brian didn't: Ibid.
- 513 Fox had no idea: Ibid.
- **513 divestiture order . . . consent decree**: "Fox's Control of Loew's For Stock-Only," *Variety*, June 5, 1929, 5 and 36.
- **513 only about \$60**: "Securities Price Range," *EH-W*, May 25, 1929, 26.
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- **514 "illegal acquisition"**: "Fox Says He Saw Hoover on Merger," *New York Journal*, Nov. 23, 1933.
- **514 how many did Fox own . . . money**: Transcript, 141.
- **514 1,334,453 outstanding Loew's shares**: "William Fox Buys Control of Loew's, Inc.," *NEN*, Mar. 2, 1929.
- **514 met Hoover . . . through . . . Greenfield**: Transcript, 324.
- 514 "desirous of working": Ibid.
- **514 put the Fox Movietone News . . . in service**: Ibid; William Fox to Herbert Hoover, Nov. 7, 1928, HHP.
- **514 at great expense . . . audience of about 10 million**: Transcript, 324.
- **514 sent Fox an autographed photo**: William Fox to Herbert Hoover, Nov. 7, 1928, HHP.
- **515** "I have issued instructions" . . . "government stand for": Ibid.
- **515 "fine assistance"**: Herbert Hoover to William Fox, Nov. 15, 1928, HHP.
- **515 Pittsburgh lawyer . . . presidential campaign adviser**: "James F. Burke Dies," *NYT*, Aug. 9, 1932, 1.
- 515 "vitally interested": Transcript, 327.
- **515 "I am sure they will understand"**: William Fox testimony, SEPH, Part 8, at 3665.
- 515 "it got him nowhere": Ibid., 3669.
- **515 "true liberalism"**: Richard Hofstadter, *The American Political Tradition, And the Men Who Made It* (New York: Vintage Books, 1989, originally published 1948), 383.
- **515 too cozy with big business**: "Government's Approval Policy On Mergers Now Slated To Be Modified," *MPN*, Aug. 10, 1929,

525.

- **515 prioritize antitrust law enforcement**: Francis L. Burt, "Hoover to Study Enforcement of Laws Affecting Film Trade," *EH-W*, Mar. 16, 1929, 25.
- **516 eliminating cross bidding**: Transcript, 136–37.
- **516 in mid- or late June 1929**: Ibid., 141.
- **516 long conversation . . . Mayer**: William Fox testimony, SEPH, Part 8, at 3665–66.
- 516 "While no one had told me": Transcript, 143.
- **516 worked aggressively on his presidential campaign**: Harry Carr, "Delegates in Corners," *LAT*, June 12, 1928, 1.
- **516 serious tactical error**: William Fox testimony, SEPH, Part 8, at 3666.
- 517 late February: Transcript, 141.
- 517 fighting mad: Ibid., 142.
- 517 none of the three owned: Ibid.
- 517 "What they would have liked": Ibid.
- 517 "they hadn't expressed any faith": Ibid.
- 517 "didn't make friends": Ibid.
- 517 Irving Thalberg really did matter: Ibid.
- **517 a check for \$250,000**: Ibid., 143.
- **517 "rather intimate friends"**: William Fox testimony, SEPH, Part 8, at 3668.
- **517** "I went to the telephone" . . . "next train out": Ibid., 3667.
- **517 Four days later**: Transcript, 143.
- **517** "Louis went into a tirade": William Fox testimony, SEPH, Part 8, at 3667.
- 518 "I told him that was his right": Ibid.
- 518 only fair for Mayer, Thalberg, and Rubin: Ibid., 3667-68.
- 518 "We would have paid it": Ibid., 3668.
- 518 \$2 million in cash: Ibid.
- **518** "I know all about that" . . . "perfectly simple matter": Ibid.
- 518 talking through his hat: Ibid., 3669.
- 518 "rather ashamed of being a citizen": Ibid., 3668.
- 518 he thought he could do it: Ibid.
- 518 "the best of friends": Transcript, 145.
- **518 \$12 million due . . . on April 1, 1930**: Ibid., 687.
- 518 Within a week: Ibid., 132.

- **519 Harry Stuart came to Fox's office . . . "terrific blunder"**: Ibid., 3657.
- 519 no guarantee of control: Transcript, 132.
- 519 "or you will be wiped out": Ibid., 133.
- **519 493,000 Loew's shares changed hands**: "Fox Nabbed Control Buying Open Market and Loew Stock," *FD*, Mar. 1, 1929, 11; "Financial," *FD*, Mar. 1, 1929, 2.
- **519 \$75–\$80 in early March**: "Financial," *FD*, Mar. 3, 4, 5, and 6, 1929, 2.
- 519 assumed that Fox had been buying: Peter Vischer, "Fox Buys Loew's, M-G-M; Assets Now 230 Million; Industry's Largest Deal," *EH-W*, Mar. 9, 1929, 18; "Fox Nabbed Control Buying Open Market and Loew Stock," 11.
- 519 in other people's names: Transcript, 133.
- 519 Otterson also began to pressure: Ibid.
- **519 To make sure, he asked**: William Fox testimony, SEPH, Part 8, at 3659.
- 519 they intended to stand by: Ibid.
- 519 make sure that none of their friends: Ibid.
- **519 "I stripped the companies"**: Transcript, 133.
- **519 borrowed all the money he could**: William Fox testimony, SEPH, Part 8, at 3662.
- 519 bought on margin from stockbrokers: Ibid.
- 519 after spending about \$23 million: Ibid.
- 519 "We probably would have bought": Ibid., 3661.
- **520** "with little or no competition": Ibid., 3659.
- **520 1 million by the end of the year**: Charles Estcourt Jr., "New York Skylines," *Atlanta Constitution*, Mar. 10, 1929, A2.
- **520 largest acquisition . . . early July**: William Fox to Halsey, Stuart & Co., Jan. 10, 1930 (Draft), 1. US-MSS; William Fox testimony, SEPH, Part 8, at 3691.
- **520 49.5 percent stock interest**: F. D. Klingender and Stuart Legg, *Money Behind the Screen* (London: Lawrence and Wishart, 1937), 73.
- **520 Britain's most important . . . more than 300**: Transcript, 237.
- **520 renting less than \$500,000...ten times as much**: Ibid., 238.
- **520 would include two . . . Lord Lee**: William Fox to the Stockholders of Fox Film Corporation and Fox Theatres

- Corporation, Apr. 8, 1930, in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 11, HTC.
- 520 pay for themselves within five years: Transcript, 238.
- **520 encouraged him to buy Gaumont**: Ibid., 240; William Fox to Upton Sinclair, July 8, 1932, US-MSS.
- **520 eight percent commission rate**: Transcript, 239.
- **521 \$93 million debt**: William Fox testimony, SEPH, Part 8, at 3691.
- 521 guaranteed the \$7.5 million job: Ibid.
- 521 Otterson had already tried and failed: Transcript, 240.
- 521 "perfectly secure and safe": Ibid., 241.
- **521 the Walter Reade chain . . . Ohio**: "Fox Takes Over Walter Reade-Schine Circuits," *MPN*, Mar. 6, 1929, 750.
- **521 \$1 million Mayflower Theatre**: "Fox Buys Mayflower, Seattle's New Theatre," *EH-W*, Mar. 30, 1929, 72.
- **521 controlling interest in the Chinese Theatre**: "Grauman Sells to Fox Chain," *LAT*, May 14, 1929, A1.
- **521 \$4.65 million San Francisco Fox**: "Fox Theatre, San Francisco, California," brochure, Theatre Historical Society of America 30 (2003). HTC.
- **521 opened on June 28, 1929**: "The Fox—A New Motion Picture Palace Opens Its Doors to the San Francisco Public," *MPN*, Aug. 3, 1929, 423.
- **521 largest movie theater west of New York**: "50,000 Celebrate Opening of Fox Picture Palace," *SFC*, June 29, 1929, 1.
- **521 \$36,000 carpet**: "Fox Theatre, San Francisco, California" brochure, HTC.
- **521 rose-and-gold carpet**: Preston J. Kaufmann, *Fox: The Last Word* (Pasadena, CA: Showcase Publications, 1979), 133–34.
- **521 "Golden Stairs of Enchantment"**: "Fox Theatre, San Francisco, California" brochure, HTC.
- **521 curved stairway . . . Paris opera house**: "Officialdom to Take Part in Celebration," *SFC*, June 28, 1929, 12; "Fox Theatre, San Francisco, California" brochure, HTC.
- **521 original \$2 million estimate**: Dudley F. Westler, "Contract for \$2,000,000 S.F. Theater Is Awarded," *SFC*, Sept. 22, 1927.
- 521 "Utopian Symphony": Kaufmann, Fox: The Last Word, 83.
- 522 six-hour outdoor celebration . . . vaudeville show: "New Five-

- Million-Dollar Fox Theater to be Opened and Dedicated Tonight," *SFC*, June 28, 1929, 12.
- 522 estimated fifty thousand to seventy-five thousand spectators: "50,000 Celebrate Opening of Fox Picture Palace, 1; "Fox Theatre, San Francisco, California" brochure, Theatre Historical Society of America 30 (2003), 2, HTC.
- 522 television would do far more damage: Transcript, 164.
- **522** have to become more spectacular: Ibid.
- **522 patents to a 70mm . . . refining the technology**: Angela Fox Dunn, "A Man and His Camera," *Variety*, Oct. 27, 1981, 68; William Fox to F. W. Murnau, Dec. 27, 1927, quoted in Bergstrom, "Murnau in America," 435.
- **522 Nebraska-born . . . industry's leading 35mm motion picture camera**: Dunn, "A Man and His Camera," 68.
- **522** "Gee whiz" . . . "made one, then two": Ibid.
- 523 buy the Mitchell Camera Company: Transcript, 165.
- **523 short, stocky figure**: Ibid., 603.
- **523 more than 75 percent of all movie projectors**: Committee Exhibit No. 138, Nov. 17, 1933, SEPH, Part 7, at 3500.
- 523 met in 1928: Transcript, 596.
- **523 letter of introduction from . . . Stuart**: Ibid., 161–62.
- 523 "Don't trust him further": Ibid., 162.
- **523 small utility property in Vincennes, Indiana**: "Society for Visual Education," *The Educational Screen*, Oct. 1940, 334.
- **523 Utilities Power . . . eastern states**: Willard Howe, "Where Goes Fox Film Under Harley L. Clarke?" *Motion Picture Review and Theatre Management*, June 1930, 9.
- **523 in Great Britain**: "British Power Chain Sold to Americans," *NYT*, Feb. 15, 1929, 19.
- 523 total assets of \$400 million: Ibid.
- **523 made a lot of money**: Transcript, 604.
- **523** "fine, decent sort of chap": William Fox testimony, SEPH, Part 8, at 3670.
- **523** Clarke proposed that they go into business together: Transcript, 165.
- **523 On May 24, 1929 . . . formed Grandeur**: Committee Exhibit No. 169, SEPH, Part 8, at 3674–75.
- **523 negotiating to buy Mitchell Camera**: Exhibit B, SEPH, Part 8, at

- 3675.
- **523 provided \$50,000 as half**: William Fox testimony, SEPH, Part 8, at 3688.
- **523 bought Mitchell Camera for himself**: Harley L. Clarke testimony, SEPH, Part 7, at 3432, 3629.
- **523 several weeks later:** William Fox testimony, SEPH, Part 8, at 3683.
- **523 for himself, four projector-lamp**: William Fox testimony, SEPH, Part 8, at 3676; Harley L. Clarke testimony, SEPH, Part 7, at 3410–11, 3432, 3437.
- **524 only U.S. companies licensed**: William Fox testimony, SEPH, Part 8, at 3673.
- **524** intended to buy the companies himself: Ibid., 3672.
- **524 turn Mitchell Camera . . . price he'd paid**: Harley L. Clarke testimony, SEPH, Part 7, at 3435.
- **524 let Clarke keep**: Ibid.
- **524 paid Fox \$2 million**: Ibid., 3436.
- **524 June 24, 1929 . . . Grandeur projectors**: Murray W. Dodge testimony, SEPH, Part 7, at 3463–64.
- **524 (GTE), on July 11, 1929**: Harley L. Clarke testimony, SEPH, Part 7, at 3400.
- **524** Rather than follow . . . "book value": Ibid., 3412.
- **524** He used . . . "nominal value": Ibid., 3407.
- **524 its future earning power**: Ibid.
- **524 known as stock watering**: Ferdinand Pecora statement, SEPH, Part 7, at 3409.
- **524 book value of \$4.76 million**: Ferdinand Pecora statements and Harley L. Clarke testimony, SEPH, Part 7, at 3411–12.
- **524 worth about \$43.05 million**: Ibid.; "Flow of Bank Loans to Wall Street Traced," *WP*, Nov. 17, 1933, 3.
- **524 did not include a consolidated balance sheet:** Ferdinand Pecora statement, SEPH, Part 7, at 3512–13.
- **524** He owned one: Harley L. Clarke testimony, SEPH, Part 7, at 3405.
- 524 Two of his bankers: Ibid.
- **524 Bankers also made up GTE's eleven-member**: Ferdinand Pecora statements, SEPH, Part 7, at 3488.
- **524 share price up from \$20 to \$65**: "Senate Delves Into Struggle for Fox Film," *MPD*, Nov. 22, 1933.

- **524 intrinsic value of no more than \$1**: Transcript, 600.
- 524 "a bag of wind": Ibid., 601.
- **525 cash capital of \$25 million . . . \$750 million**: "Financial Trust with Fox A Sponsor Offers Stock," *FD*, May 16, 1929, 2.
- **525 William C. Durant and . . . David Bernstein**: "Big Interests Form Investment Trust," *NYT*, May 8, 1929, 46.
- **525 saloon owner in Bridgeport, Ohio**: "Riotous Scenes in Ohio As State's Saloons Close," *Dallas Morning News*, May 25, 1929, 7.
- **525 margin account for President Harding**: Joseph Borkin, *The Corrupt Judge: An Inquiry into Bribery and Other High Crimes and Misdemeanors in the Federal Courts* (New York: Clarkson N. Potter, 1962), 42.
- **525 three weeks, Fox resigned**: "Quits Directorship," *CDT*, May 28, 1929, 36.
- **525 bribing . . . mayor Jimmy Walker**: "Chief Points on Which the Mayor Rests Defense in Removal Proceedings Before the Governor," *NYT*, July 29, 1932, 6. Walker would deny all accusations of corruption, but resigned from office in September 1932.
- **525 bribing . . . Martin T. Manton**: Borkin, *The Corrupt Judge*, 42.
- **526 not as profitable as it might be**: Transcript, 664.
- **526 in early April 1929**: "Fox Buys Big Plot Near Roxy Theatre," *NYT*, Apr. 11, 1929, 56.
- **526 over lunch . . . build him an 8,000-seat theater**: Transcript, 664–65.
- **526 305-by-200-foot strip of land**: "Fox Buys Big Plot Near Roxy Theatre," 56.
- **526 next to the Roxy Theatre**: Transcript, 664.
- **526 Sixth and Seventh Avenues and Fiftieth and Fifty-First Streets:** "Fox Buys Big Plot Near Roxy Theatre," 56.
- **526 only available property . . . large enough**: Transcript, 664.
- 526 make millions, Rothafel said: Ibid., 665.
- **526 By 3:00 p.m \$3 million**: Ibid.
- 526 "poor stockholders": Ibid.
- 526 "servant girls, barbers": Ibid., 663.
- 526 bought \$5 million in Roxy Theatre stock: Ibid.
- **526 investment would be wiped out**: Ibid., 665.
- **526 joint enterprise . . . fully protected**: Ibid.

- **526 "Tell that bastard"**: Glendon Allvine, *The Greatest Fox of Them All* (New York: Lyle Stuart, Inc. 1969), 114.
- **526 seven years . . . rank of corporal**: "Major Roxy, USMCR," *MPN*, June 26, 1926, 2944.
- **526 in 1925 . . . major in the Marine Reserve**: "Roxy Joins 'Captain Jinks' For Two Weeks as Devil Dog," *Radio Digest*, July 1, 1926, 13.
- **526 an honorary major . . . world war**: "John Zanft Dead; Movie Executive," *NYT*, Nov. 20, 1960, 86.
- **527** "Delivering this message . . . Zanft and Fox": Allvine, *The Greatest Fox of Them All*, 114.
- 527 took over Rothafel's office: Ibid., 24.
- **527 did not have clear titles . . . attachments**: "Wm. Fox and Indies: May 1 Closing, Report," *Variety*, Apr. 10, 1929, 28.
- **527 auditors' reports showed that owners had overstated**: "No Hitch in Fox Deal for N.Y. Independents," *FD*, Apr. 5, 1929, 1.
- **527 taken title to and paid for only five**: "New York Indie Owners Sue Fox To Complete Theatre Purchases," *Variety*, Apr. 3, 1929, 14.
- **527 unable to sign contracts . . . or to retrofit**: Ibid.
- **527 On April 1, 1929**: "Sue Fox for Million," *New York Sun*, Apr. 2, 1929.
- **527 two theaters in Queens . . . breach of contract**: "Sue Fox Alleging Conspiracy In Deal For Their Houses," *MPN*, Apr. 6, 1929, 1026.
- **527 Samuel Schwartz and Herbert Muller . . . ignore their sale:** "Sue Fox for Million."
- **527 had never been serious . . . lost all interest**: Ibid.; "Sue Fox Alleging Conspiracy In Deal For Their Houses," 1026.
- **528 "clambered over balconies"**: "A Few Close-Ups," *FD*, Apr. 7, 1929, 3.
- **528 all the managers . . . reapply for their jobs**: "Sweeping Changes in Met. Theatres Taken Over by Fox," *MPN*, July 6, 1929, 62.
- **528 substantial reduction . . . assigned to theaters other**: Ibid.
- **528 two partners from Dillon Read and Company**: William Fox testimony, SEPH, Part 8, at 3736.
- **528 Loew's stockholders . . . were planning to sue Fox**: Transcript, 134–35.

- 528 hold up the Fox-Loew's merger: Ibid., 176.
- 528 "That I had not anticipated": Ibid.
- 528 let Dillon, Read handle: Ibid., 134.
- 528 agreed not to cause trouble: Ibid., 135.
- **529 feared Fox was planning to develop:** FCC-ERPI, Part II, 479.
- **529 the following month Otterson**: Transcript 125 and 242.
- **529** How much did Fox . . . think about it: Ibid., 125.
- **529 Leo had sat in . . . "violently objected"**: Ibid.
- **529 Leo's reasoning... why was the telephone company**: Ibid., 126.
- **529 circumvent the flywheel**: "WB-ERPI Settlement Forerunner to AT&T's 100% Bow-Out from Pix?" *Variety*, June 26, 1934, 4.
- **529 rejected Otterson's \$5 million**: Transcript, 126.
- **529 May 21, 1929 . . . uniform speed**: American Tri-Ergon ad, *MPH*, Nov. 28, 1931, 41.
- **530** "his relentless lust": Allene Talmey, "William Fox: A Portrait," *Outlook and Independent*, July 31, 1929, 544.
- 530 "It is absurd": Ibid., 556.
- 530 "slashing master": Ibid.
- **530** "He is not making it easier": Transcript, 33.

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- 531 "greatest pranks": Transcript, 22.
- **531 fifty-year-old actor**: Meighan was born Apr. 9, 1879. "Thos. Meighan Dies at Home in Great Neck," *MPD*, July 9, 1936, 1.
- **531 and . . . Nicholas M. Schenck**: "William Fox Hurt; Transfusion Given," *NYT*, July 18, 1929, 1.
- 531 secretary and treasurer of the Namquit Worsted Company: "Wm. Fox Injured, 1 Killed in Crash," *New York Post*, July 17, 1929, 1.
- **532 Rubinstein . . . owned 10,000 Class A:** "Fox Theaters [*sic*] Receiver Asked by Stockholder," *New York Herald Tribune*, May 22, 1932, 8.
- **532 green Rolls-Royce**: Charles F. Hynes, "Fox Injured in Auto Accident; Hurt Severe But Not Critical," *FD*, July 18, 1929, 1.
- 532 lonely, rural: Transcript, 146.
- **532** "Fear?" . . . "this car is *safe*": John Webb De Campi, *Rolls-Royce in America* (London: Dalton Watson, 1975).

- 532 "I was dreaming": Transcript, 145–146.
- **532 Around 10:50 a.m.**: "William Fox Hurt in Crash of Auto; Blood Transfused," *New York World*, July 18, 1929.
- **532 blinking traffic beacon**: "Transfusion for Fox, Movie King, After Car Crash," *Nassau Daily News*, July 18, 1929.
- **532 small Chrysler sedan**: "Fox Crash Probe By Grand Jury Begins Tuesday," *BDE*, July 18, 1929, 3; "Exonerate Woman Auto Driver in Fox Motor Crash," *BDE*, July 30, 1929, 7.
- 532 thickly wooded: "William Fox Hurt; Transfusion Given," 1.
- **532 high-banked intersection**: "Transfusion for Fox, Movie King, After Car Crash."
- 532 glancing blow: "William Fox Hurt; Transfusion Given," 1.
- 532 spun around 180 degrees: Ibid.
- **532 left side in a ditch**: Hynes, "Fox Injured in Auto Accident; Hurt Severe But Not Critical," 6.
- **532 Boyes was killed instantly:** "Fox Crash Probe By Grand Jury Begins Tuesday," 3.
- **532 landed on top . . . skull**: "William Fox Hurt; Transfusion Given," 1.
- **532 for his brother . . . day off:** "X-Ray to be Used," *New York Graphic*, July 18, 1929.
- **532 Pitched forward**: "Wm. Fox O.K.," *Weekly Variety*, July 24, 1929, 4.
- 532 shatterproof glass was not yet standard: Ibid.
- **532 slashed Fox severely**: Ibid.
- **532 deep gash in his head**: Transcript, 146.
- **532 Covered in blood . . . was dead**: Ibid.
- $532\ ^{\circ}\!\!I$ got up and shook": Ibid.
- **532 sprained knee, some bruises**: "Transfusion Aids Wm. Fox, Hurt in Crash," *New York Herald-Tribune*, July 18, 1929.
- **532 About twenty feet:** "William Fox Hurt; Transfusion Given," 1.
- **532 with hardly a scratch**: "William Fox Severely Injured in Auto Crash; Condition is Not Alarming, Says Physician," *MPN*, July 20, 1929, 276.
- **532 None of its occupants**: "Fox, Film Man, Hurt," *LAT*, July 18, 1929, 1.
- **532 thirty-six-year-old**: "Wm. Fox Rallies After Blood Transfusion at the Hospital," *Nassau Daily Star*, July 18, 1929, 1.

- **532 Dorothy . . . Agatha . . . Mildred**: "William Fox Hurt; Transfusion Given," 1.
- **532 nor the dog**: Wm. Fox Rallies After Blood Transfusion at the Hospital," 1.
- **533 crying hysterically**: "Fox, Noted Picture Man Hurt in Auto Crash—Chauffeur is Killed," *Far Rockaway Journal*, July 19, 1929, 1.
- **533 Glen Cove, Long Island**: "Wm. Fox Rallies After Blood Transfusion at the Hospital," 1.
- **533 Reginald Moore, other motorists**: "William Fox Hurt; Transfusion Given," 1.
- 533 jacked up the Rolls-Royce: Ibid.
- **533 Moore drove Fox and Rubinstein**: "Fox Crash Probe By Grand Jury Begins Tuesday," 3.
- **533 holding handkerchiefs:** "William Fox Hurt; Transfusion Given,"
- **533 five-mile . . . Hospital**: Ibid.
- 533 Zukor . . . take her to the hospital: Transcript, 244.
- **533 fractured his skull . . . hemorrhage**: "William Fox Hurt; Transfusion Given," 1.
- 533 Chief attending physician: Ibid.
- **533** "**certain that he is badly hurt**": "William Fox Severely Injured in Auto Crash; Condition is Not Alarming, Says Physician," 276.
- 533 that Fox had died: "Fox Stocks Decline," NYT, July 18, 1929, 14.
- **533 fell from 92**³/**8 to 87**: Ibid.; "Industry Hails Fox's Recovery from Injuries in Auto Crash," *EH-W*, July 27, 1929, 22.
- 533 had his bankers throw buy orders: "Fox Stocks Decline," 14.
- 533 88 $\frac{1}{4}$, off only 2 $\frac{3}{4}$ points: Ibid.
- **533 slight abrasion of the scalp . . . two days**: "Fox Injured in Auto Accident; Chauffeur Dead," *Fresno Bee*, July 17, 1929, 1.
- **533 "Mr. William Fox not seriously injured"**: "Fox's Injuries Slight, Grainger Wires Force," *FD*, July 18, 1929.
- **533 ready to leave . . . placate the doctors**: "William Fox Hurt; Transfusion Given," *14*.
- **534 conducting business . . . parade of visitors**: "Transfusion Aids Wm. Fox, Hurt in Crash,"
- 534 In midafternoon: "Wm. Fox O.K.," 4.
- 534 "Does a bricklayer get": Ibid.
- **534 into her car around 10:00 p.m.**: "Fox Injured in Auto Accident;

- Hurt Severe But Not Critical," 1.
- **534 "suffered chiefly from shock":** "William Fox Hurt; Transfusion Given," 1.
- 534 pint of blood: Ibid.
- **534** "unfavorable symptoms" . . . "safeguard" . . . "Mr. Fox laughed": "William Fox Hurt; Transfusion Given," 1.
- **534 full of energy**: "Fox May Undergo New Transfusion," *New York Post*, July 18, 1929, 3.
- **534 no evidence of a skull fracture or brain injury**: "Transfusion Aids Wm. Fox, Hurt in Crash."
- **534 doctor suspected brain damage**: Transcript, 245.
- **534 Zukor . . . suggested . . . a brain specialist**: Ibid.
- 534 Eva . . . refused: Transcript, 245.
- 534 suffered a severe heart attack: "Wm. Fox O.K.," 4.
- 534 no brain specialist: Transcript, 245.
- **534 seventy-one-year-old**: "Fox's Father Injured in Ambulance Crash," *NYT*, July 20, 1929, 15.
- **534 just checked into the Rose Garden Hotel . . . Hospital**: Ibid.
- 535 sideswiped by a truck: Ibid.
- **535 not allow her husband to hear about**: "Fox Kept in Dark on Father's Injuries," *NYT*, July 21, 1929, 28.
- **535 Kane, said yes**: "Clears Girl in Fox Crash," *NYT*, July 31, 1929, 24; "Fox Crash Probe By Grand Jury Begins Tuesday," 3.
- **535 expired sixteen days before**: "Exonerate Woman Auto Driver in Fox Motor Crash," 7.
- **535 requiring driver's licenses until 1924**: "Evolution of the New York Driver's License," *NYT*, Mar. 16, 2013.
- **535 driving for fourteen years**: "Coroner Clears Dorothy Kane," *New York Sun*, July 30, 1929.
- 535 didn't pay strict attention: "Wm. Fox O.K.," 4.
- 535 only a suspended sentence: "Clears Girl in Fox Crash," 24.
- **535 completely unavoidable**: "Fox Crash Accidental," *Variety*, July 31, 1929, 6.
- **535 sisters Tina and Bessie**: "Fox Improves; Callers Barred," *BDE*, July 19, 1929, 13.
- 535 high-ranking Fox employees: "Wm. Fox O.K.," 4.
- **535 policeman was stationed**: "Fox Has Restful Night at Hospital," *New York Sun*, July 19, 1929; "Fox Improves; Callers Barred,"

- **535** "icicle tactician": Allene Talmey, "William Fox: A Portrait," *Outlook and Independent*, July 31, 1929, 542.
- 535 visited every day: Transcript, 245.
- **535 discharged on Saturday, July 27**: "Fox Leaves Hospital," *NYT,* July 28, 1929, 24.
- 535 "I never again heard": Transcript, 245.
- **536 with Eva and her brother Jack**: "Fox-Cove Owner Rewards Moore," *Glen Cove Record*, Aug. 1, 1929, 1.
- **536 After thanking the staff...Naish**: Ibid.
- **536 donated blood for his transfusion**: "Fox, Film Man, Hurt," 1.
- **536 receive a Fox Film contract**: Harry N. Blair, "Short Shots from New York Studios," *FD*, Nov. 25, 1929, 3.
- **536 only a piece of court plaster**: "Fox-Cove Owner Rewards Moore,"
- 536 He was fully recovered: "Fox Leaves Hospital," 24.

CHAPTER 39: RECOVERY

- 537 "to the future I look": "Fox, Movie 'Columbus,' Celebrates Oct. 12 As Own Start, Visions New Benefits in Films," *New York Daily Investment News*, Oct. 14, 1929.
- **537** "I was wrecked": William Fox testimony, SEPH, Part 8, at 3670.
- **537** three months before . . . office in New York: Ibid., 3671.
- **537 boathouse overlooking Woodmere Bay**: Transcript, 250.
- **537 on August 12, 1929 . . . seventeenth hole**: "Fox, Out of Hospital, Shoots Hole in One," *Daily Boston Globe*, Aug. 13, 1929, 22.
- **537 \$700,000...Roxy**: Erich Fritsch, "William Fox, Romantic of Film Business, Soon to Pay Texas Theaters First Visit," *Dallas Morning News*, Nov. 24, 1929, 3.
- **538 deciding to release silent versions**: Louella O. Parsons, "Fox Is Making Silent Versions of Big Talkies," *Tampa Morning Tribune*, July 29, 1929, 14.
- **538 only about 40 percent . . . installed sound equipment**: Ibid.
- **538 three-dimensional effect didn't work**: "First Wide Film Publicly Shown," *MPN*, Sept. 21, 1929, 1048-g.
- 538 Movietone Follies of 1929, was stale: Ibid.
- **538 three installed . . . \$150,000, plus \$5,000**: "Wide Film Conferences," *Variety*, Sept. 18, 1929, 12.

- **538 prototypes . . . broken up and cast in molds**: "Revolutionary but Year Away," unidentified publication, undated. William Fox clipping file, FSC.
- 538 marketing at least a year away: Ibid.
- **538 had previously been shown to the press**: "Wide Film Conferences," 12.
- **538 never before had it and sound**: Mordaunt Hall, "Grandeur Films Thrill Audience," *NYT*, Sept. 18, 1929, 34.
- 538 filled the proscenium arch: Ibid.
- 538 bursts of excited applause: Ibid.
- 539 "rushing waters" . . . duck farm: Ibid.
- **539 sold out every performance**: "Revolutionary but Year Away."
- **539** "perfection": Ibid.
- **539 "truly marvelous new cinematic idea"**: Hall, "Grandeur Films Thrill Audience," 34.
- 539 war with Paramount's Publix theater chain to dominate: "Big Companies to Confine Product To Own Houses Is Trend Of Business," *MPN*, Sept. 14, 1929, 977.
- **539 derived about 85 percent of their revenue**: "Line-Up In 2 Circuits," *MPN*, Sept. 14. 1929, 977.
- **539 From June 1 . . . 110 points**: Jonn Kenneth Galbraith, *The Great Crash 1929* (New York: Houghton Mifflin, 1997), 66.
- **539 fifteen theaters throughout Arizona**: "Publix and Fox in Lively Scramble For New Holdings," *MPN*, Aug. 31, 1929, 784.
- **540 buy into UFA's theater circuit . . . Central Europe**: "London Hears Fox Is Reaching For European Cinema Chains; Also Key to Patent Parley," *Variety*, Aug. 14, 1929, 2.
- **540** "I couldn't rely" . . . "on my shoulders": Transcript, 239.
- 540 on August 1, 1929: FCC-ERPI, Part II, 480.
- **540 AT&T, had received a letter . . . flywheel patent**: Transcript, 130, 243.
- 540 Fox denied knowing anything: Ibid., 130.
- **540** he should have every right to complain: Ibid.
- **540 Four months earlier . . . \$5 million**: Ibid., 128.
- **540 agreed to pay the \$10 million**: Ibid., 130.
- **540 current pricetag was \$25 million**: William Fox to Upton Sinclair, Aug. 16, 1932, US-MSS.
- **541 On July 20, 1929 . . . validity of the Tri-Ergon patents**: "Berlin

- Film Notes," NYT, Sept. 8, 1929, X5.
- 541 monopoly there, with implied patent rights: Ibid.
- 541 no higher court of appeal: Ibid.
- 541 create a patents company . . . go into film production: Transcript, 244.
- 541 The following day: FCC-ERPI, Part II, 480.
- 541 "[W] on't you please consider": FCC-ERPI, Part II, 481.
- 542 "Impression created": Ibid., 480.
- 542 "friendly, cooperative": Ibid.
- **542 on August 27, 1929...** "If UFA opens": N. R. Danielian, *AT&T: The Story of Industrial Conquest* (New York: Vanguard Press, 1939), 157.
- **542 enter the home talking pictures equipment**: "Fox's Home Talkers Startle Electrics," *Variety*, Oct. 16, 1929, 9.
- **542 selling 16mm projectors . . . film rental libraries**: "Fox Aims to Reform Education by Movies," *NYT*, Oct. 14, 1929, 1.
- **542 AT&T had given it exclusive rights**: "Fox's Home Talkers Startle Electrics," 9.
- **543** "a token of his esteem": William Fox to Upton Sinclair, July 13, 1932, 3, US-MSS.
- 543 "very friendly": Transcript, 265.
- **543 until September 1, 1930 to pay**: William Fox to Halsey, Stuart & Co., Aug. 30, 1929, US-MSS.
- **543 For some time . . . investment trust**: William Fox to Upton Sinclair, July 13, 1932, 4, US-MSS; Transcript, 265.
- **543 tried to ignore him**: William Fox to Upton Sinclair, July 13, 1932, 5, US-MSS.
- 543 Fox wanted his bankers: Ibid., 4.
- 543 their friendship ended permanently: Ibid., 3
- **543 Corporation Securities Company**: Ibid., 5.
- 543 financially unstable Insull utility stocks: Ibid.
- **543 letter inviting him to buy**: Ibid., 7–8.
- **544 run entirely . . . "merest chance"**: Ibid.
- **544 early August 1929, his Grandeur, Inc. partner**: Transcript, 172; Harley L. Clarke testimony, SEPH, Part 8, at 3761.
- **544 offered to buy Fox's voting shares . . . wanted to help:** Transcript, 172–73.
- **544 told him next to nothing . . . the books**: William Fox testimony,

- SEPH, Part 8, at 3685.
- 544 \$160,000 a year, guaranteed for five years: Transcript, 422.
- 544 "he was not requesting": Ibid.
- **544** "could not afford to have Rogers": Ibid.
- **544 a "hold-up"**: Ibid., 425.
- **544 forty-eight-year-old**: Sheehan was born on Sept. 24, 1881, U.S. passport application. www.ancestry.com.
- **545 Sheehan had invented . . . recent movies**: "Winnie Sheehan, Hollywood Dynamo, Ex-World Reporter," *Evening World*, Oct. 5, 1929
- **545** "a supervisor of supervisors": Ibid.
- 545 That same month . . . liver trouble: "Answer to Sheehan Affidavit," in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 19, HTC.
- **545 love and respect him**: David A. Brown to the Justice of the District Court of the United States, Philadelphia, Apr. 9, 1941, 8, DABP.
- 545 "the vitality and voice": Transcript, 539.
- 545 "the man who gave almost all": Ibid.
- **545 repeated the facts of Tauszig's infidelity**: "Tell of Woman Found in Room with Tauszig," *Nassau Daily Star*, Oct. 8, 1929, 1.
- **545 divorce on October 22, 1929:** "Cut for Fox's Daughter," *LAT*, Oct. 23, 1929, 20.
- **546 out as sales manager of Movietone News**: "Grainger Makes Changes in Fox Sales Personnel," *FD*, Oct. 3, 1929, 1.
- **546 Schwartz was called in only**: Milton J. Schwartz deposition, *Fox Theatres Corporation v. Gottesman Enterprises*, 5–6. "Fox Theatres Corporation vs. Gottesman," FLC.
- **546 signed them without knowing**: Ibid.
- **546 from 900,000 to 4.9 million**: "Fox Vests Control of His Vast Holdings in Trustees' Board," *NYT*, Dec. 7, 1929, 16.
- **546 from 3.9 million to 7.4 million**: "Fox Will Broadcast On His Anniversary," *NYT*, Oct. 12, 1929, 32.
- **546 first step toward absorbing Loew's:** "Fox Vests Control of His Vast Holdings in Trustees' Board," 16.
- **547 silver anniversary . . . June 1928:** "The Manpower Behind Fox Films," *EH-MPW*, June 2, 1928, 93.

- **547 August 1928**: Fox Film ad, *EH–MPW*, August 18, 1928, 5.
- **547 December 1928**: Fox Film ad, "Plain Talk About Talking Film," *LAT*, Dec. 22, 1928, 5.
- **547 January 1929:** "Fox Fetes Silver Anniversary With Plans for 7 Huge Houses," *EH-W*, Jan. 12, 1929, 33.
- **547 in all the principal cities**: David Stock statement, SEPH, Part 3, at 1099.
- **547 had gone insane**: Glendon Allvine, "Press Heard William Fox Was Insane," *Variety*, Jan. 8, 1958, 38.
- **547 issue a denial**: Glendon Allvine, *The Greatest Fox of Them All* (New York: Lyle Stuart, Inc. 1969), 11.
- **547 hold a press conference**: Allvine, "Press Heard William Fox Was Insane," 38.
- **547 six limousines**: Allvine, *The Greatest Fox of Them All*, 11.
- 547 thirty reporters: Ibid., 9.
- **547 Sun-tanned**: "Fox Aims to Reform Education by Movies," 1.
- **547 Appearing relaxed and carefree**: "Fox, Movie 'Columbus' Celebrates Oct. 12 As Own Start, Visions New Benefits in Films."
- **547 escorted the reporters on a tour**: Gene Cohn, "Story of William Fox's Fight Against Gods of Wall Street Is Real-life Movie Drama," *Niagara Falls Gazette*, Jan. 30, 1930, 19.
- 547 wicker chairs: "Fox, Movie 'Columbus.""
- **547 boat landing:** Allvine, "Press Heard William Fox," 38.
- **547 "Suddenly, out of a clear sky":** Cohn, "Story of William Fox's Fight," 19.
- **547** "The past is behind me": "Fox, Movie 'Columbus' Celebrates Oct. 12 As Own Start, Visions New Benefits in Films."
- **547 to spend one-quarter**: Ibid.
- **547 estimated \$36 million personal fortune**: Allvine, "Press Heard William Fox Was Insane," 38.
- **547 projector in every U.S. classroom . . . best teachers**: "Fox Aims to Reform Education by Movies," 1.
- 547 because "every man, woman": Ibid.
- **548 film operations by top surgeons**: Ibid.
- **548 expression of gratitude**: "Fox, Movie 'Columbus' Celebrates Oct. 12 As Own Start, Visions New Benefits in Films."
- 548 without making a profit: Fox Film ad, "Fox Silver Jubilee,"

- Nassau Daily Star, Oct. 16, 1929.
- **548 first talking picture of an operation . . . cancer patient**: "Fox Aims to Reform Education by Movies," 1.
- **548 shown . . . American College of Surgeons**: "Fox, Movie 'Columbus' Celebrates Oct. 12 As Own Start, Visions New Benefits in Films."
- **548 reported glowingly on Fox's plans**: "New York Papers Praise Fox Move," *MPN*, Oct. 19, 1929, 29.
- 548 deliver a special message: Fox Silver Jubilee ad, *Glen Cove Record*, Oct. 10, 1929, 8; "Fox Will Broadcast On His Anniversary," 32; Fox ad, *New York Morning Telegraph*, Oct. 11, 1929, 5.
- **548 Lawrence Chamberlain . . . "My friends"**: "The Story of Motion Pictures and the Fox Theatres Corporation," brochure, 1. AMG, Box 158, Folder 4.
- **548 as little as one share, fine**: Ibid., 4.
- **548 On their way out . . . market price**: Ibid., 1 and 9.
- **548 closed at 28**³/**8**: "Fox Will Broadcast On His Anniversary," 32. *Film Daily* reported the closing price on Friday, Oct. 11, at 28³/₄ ("Financial," *FD*, Oct. 13, 1929, 2).
- **548 eight hundred of the U.S. movie theaters**: "William Fox to Offer Stock via Movietone," *NEN*, Oct. 12, 1929
- **548 mayor Jimmy Walker . . . Academy of Music**: "Walker Praises Fox," *NYT*, Oct. 13, 1929, 27.
- 549 "I have known William Fox personally": Ibid.
- **549 no dividend . . . volatile history**: "Fox May Urge Theater Patrons to Buy Stock," *CDT*, Oct. 13, 1929, B3.
- **549 October 24, 1929, he returned . . . first time**: William Fox to Upton Sinclair, June 8, 1932, US-MSS.

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- **550 "And then came this thunderbolt":** William Fox testimony, SEPH, Part 8, at 3694.
- **550 to introduce . . . Claudius H. Huston**: "Curtis Comes Here for Huston Dinner," *NYT*, Oct. 25, 1929, 20.
- 550 Charles Curtis: Ibid.
- **550 could push the Hoover administration**: Transcript, 245.
- 551 "sudden deluge": "Financial Markets," NYT, Oct. 24, 1929, 43.

- **551 liquidate their accounts wholesale**: "Demoralized Trading," *WSJ*, Oct. 25, 1929, 1.
- 551 more than 1.6 million shares: Ibid.
- 551 "hysteria . . . without rhyme": Ibid.
- **551 tumbled 50 to 150 points**: "Bankers Halt Stock Debacle," *WSJ*, Oct. 25, 1929, 1.
- 551 no one knew the correct prices: Ibid., 18.
- 551 "avalanche of selling": Ibid., 1.
- **551 Thomas W. Lamont, senior partner of J. P. Morgan**: "Financiers Ease Tension," *NYT*, Oct. 25, 1929, 1.
- 551 throw an estimated \$1 billion: "Bankers Halt Stock Debacle," 1.
- **551 conditions were fundamentally sound**: "Demoralized Trading," 1.
- 551 overall decline of only 6.38 points from the previous day: "Daily Closing Value of the Dow Jones Average," at https://measuringworth.com/DJA/result.php.
- 551 nearly 12.9 million shares: "Bankers Halt Stock Debacle," 1.
- **551 previous record of 8.2 million shares**: "Demoralized Trading," 1.
- **551 "staggering, running into billions"**: "Losses Recovered in Part," *NYT*, Oct. 25, 1929, 1.
- 551 worst day so far in stock market history: Ibid.
- 551 merely a technical correction . . . Federal Reserve Board: "Bankers Halt Stock Debacle," 18.
- 552 "day of reckoning" . . . "water and hot air": Ibid.
- **552 avoided the grim subject**: "Curtis Comes Here for Huston Dinner," 20.
- 552 secretary of commerce Robert P. Lamont: Transcript, 246.
- 552 no relation to J. P. Morgan's Thomas W. Lamont: William J. Barber, From New Era to New Deal: Herbert Hoover, the Economists, and American Economic Policy, 1921–1933 (Cambridge, UK: Cambridge University Press, 1988), 211.
- 552 predicted big trouble: Transcript, 247.
- 552 "no nation could continue": Ibid.
- 552 suffering from financial "cancer": Ibid., 248.
- 552 "he used the old Roosevelt": Ibid., 248–49.
- 552 "That man is either": Ibid., 246.
- 552 wasn't sure, either: Ibid.
- 552 "a picture so black": Ibid., 247.

- **552 October 25, 1929 . . . for the first time:** William Fox, "An Open Letter to the Stockholders," Jan. 18, 1930, 1, DABP.
- **552 "The fundamental business"**: "President Hoover Issues a Statement of Reassurance On Continued Prosperity of Fundamental Business," *NYT*, Oct. 26, 1929, 1.
- **552 5.9 million shares . . . narrow range**: "Stocks Gain as Market Is Steadied; Bankers Pledge Continued Support; Hoover Says Business Basis Is Sound," *NYT*, Oct. 26, 1929, 1.
- 553 got at least as much: Transcript, 249.
- **553 another quiet, steady day**: "Stocks Hold Firm In Normal Trading; Pool Still On Guard," *NYT*, Oct. 27, 1929, 1.
- **553 attended the Jewish Theatrical Guild's:** "Jessel Dinner Catches Wits and Laughs," *Variety*, Oct. 30, 1929, 65.
- 553 Cantor joked, "As for myself": Ibid.
- 553 disposed of all \$20 million: Transcript, 247.
- 553 personal non-Fox or non-Loew's stock: Ibid., 247, 249.
- **553 panic set in . . . falling prices**: Galbraith, *The Great Crash, 1929*, 109–10.
- 553 9.25 million shares . . . last hour: Ibid.
- 553 day's losses exceeded: Ibid., 109.
- **553 no longer shore up falling prices**: "Bankers Mobilize for Buying Today," *NYT*, Oct. 29, 1929, 1.
- **553** "The speculator's only comfort": Galbraith, *The Great Crash* 1929, 110.
- **553 "violent succession of downward plunges":** "Financial Markets," *NYT*, Oct. 30, 1929, 37.
- 553 General Electric . . . as much as 70 points: Ibid.
- **553 declined by \$12–\$15 billion**: "Senator Tydings Lays Crash to Republicans," *NYT*, Oct. 30, 1929, 4.
- **553 Fox Hall boathouse**: Transcript, 250.
- 554 would have been bankrupt: Ibid., 247.
- **554 no minimum margin required**: Peter Rappoport and Eugene N. White, "Was the Crash of 1929 Expected?" *The American Economic Review* 84, no. 1 (Mar. 1994): 272.
- **554 233,400 Loew's shares**: Transcript, 256.
- **554 send a \$250,000 check . . . "I had no sooner"**: Ibid., 249–50.
- **555 By noon . . . \$4 million**: Ibid., 250.
- 555 233,400 Loew's shares: Ibid., 256.

- **555 called between 12:30 and 1:00 p.m.**: William Fox to Upton Sinclair, June 8, 1932, 2, US-MSS.
- 555 official quote of \$40 per share: "Financial," FD, Oct. 30, 1929, 2.
- **555 bid price was \$5 per share**: William Fox to Upton Sinclair, June 8, 1932, 2. US-MSS.
- **555 an average of \$77 each**: Fox said he paid \$23 million for the additional 260,990 shares that he bought to make a total of 660,900 Loew's shares.
- **555 "And then came this thunderbolt":** William Fox testimony, SEPH, Part 8, at 3694.
- 555 "I called my secretary": Transcript, 250.
- 555 receiver off the hook: Ibid.
- 555 fell asleep: Ibid.
- 555 being called loudly: Ibid.
- 555 "yelling for half an hour": Ibid., 250-51.
- **555** "see what we can do": Ibid., 251.
- **555 left Woodmere around 4 p.m.**: William Fox to Upton Sinclair, June 8, 1932, US-MSS.
- **555** "a perfectly simple matter": Transcript, 251–52.
- 555 suite at the Ambassador: Ibid., 251.
- **556 \$10 million . . . thirteen brokers**: Ibid., 253, 255–56.
- 556 Fox asked . . . Courtland Smith: Courtland Smith testimony,
 Blumenthal v. Greenfield transcript, Sept. 16, 1932, 139. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania.

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- **556 on a piece of paper . . . \$100 million**: Ibid.
- **556 asked to borrow \$3–\$4 million**: William Fox testimony, SEPH, Part 8, at 3696.
- 556 "He didn't say": Transcript, 252.
- **556 Stuart was in Chicago**: William Fox testimony, SEPH, Part 8, at 3696.
- **556 New York office manager**: Transcript, 253.
- **556 due to settle on November 1**: William Fox testimony, SEPH, Part 8, at 3696.
- **556 single dollar to spare**: Transcript, 253.
- 556 AT&T . . . would rescue: Ibid.
- 556 Smith brought John Otterson: Ibid., 379.

- **556 listened "very attentively":** William Fox testimony, SEPH, Part 8, at 3696.
- 557 sent for Richard Hoyt: Transcript, 254.
- **557 tall, thin, chain-smoking**: William Fox to Upton Sinclair, June 6, 1932, US-MSS.
- 557 at a dinner party: Transcript, 254.
- 557 "didn't seem to be worried": Ibid.
- 557 "to a stone wall": Ibid., 255.
- 557 "my left kidney": Ibid.
- 557 "I am glad to see" . . . "both your kidneys": Ibid.
- 557 "took his tall silk hat": Ibid.
- 557 about midnight: Ibid.
- 557 while clerks tried to figure out: Ibid.
- **557** calling the thirteen brokerage houses: Ibid., 255–56.
- 557 wheel in his breakfast: Ibid., 256.
- 557 food for three people: Ibid.
- 557 "It was plain to see": Ibid.
- 557 twenty-four-hour moratorium: Ibid., 256-57.
- **558 drop to \$1**: Ibid., 257.
- 558 wouldn't have sacrificed: Ibid.
- 558 "waited for a reply": Ibid.
- 558 "What are you hesitating": Ibid.
- 558 AT&T was not willing: Ibid., 253.
- 558 called Otterson back: Ibid., 254.
- 558 more than \$50 million: Ibid.
- **558 for both the proposed**: William Fox testimony, SEPH, Part 8, at 3696.
- 558 Five or ten minutes later: Ibid.
- **558 answer was still no**: Transcript, 254; William Fox testimony, SEPH, Part 8, at 3696.
- **558 "So I said to myself" . . . "hundreds of places"**: William Fox testimony, SEPH, Part 8, at 3697.
- **558** "calm, cool" . . . "perfect health": Transcript, 251.
- **558 "door-to-door canvass":** William Fox testimony, SEPH, Part 8, at 3697.
- 558 "The way to judge a general": Transcript, 252.
- **558 money to pay in full**: William Fox testimony, SEPH, Part 8, at 3697.

- **558 Fox Theatres' net earnings . . . for 1928**: "Fox Securities' Aims Outlined," *Wall Street News*, Jan. 18, 1930.
- **559 \$12 million, compared to \$8.6 million**: William Fox to John D. Rockefeller Jr., Nov. 12, 1929, US-MSS.
- **559 "most prosperous [time]"**: "What Kind of Year Will '30 Be?" *MPN*, Dec. 28, 1929, 9.
- **559 Loew's stock itself and real estate**: William Fox testimony, SEPH, Part 8, at 3698.
- 559 "They listened attentively": Ibid., 3697.
- 559 four-month loan of \$550,000: Transcript, 268.
- **559** "a sort of miracle": William Fox testimony, SEPH, Part 8, at 3698.
- 559 25,001 shares of First National: Ibid.
- **559 Warners owned most . . . merge First National**: William Fox to Upton Sinclair, July 13, 1932, 2, US-MSS.
- **559** Fox had received **21,000** . . . **4,000**-plus: Ibid., 1–2.
- **559 Oklahoma City original franchise holder**: "Fox Holds Key Position in First National Deal," *EDR*, Oct. 10, 1928, 1.
- 559 "ridiculous": Transcript, 258
- 559 \$12.5 million: Ibid.
- 560 \$10 million from Bankers Securities: Ibid., 257.
- 560 by midnight: Ibid., 258.
- **560 up to \$10 million**: Ibid.
- **560 \$7.5 million in cash... \$250,000**: William Fox testimony, SEPH, Part 8, at 3740.
- 560 netting \$9.5 million: Transcript, 261.
- **560 value of \$3.8 million**: "Warner Bros. Buy Fox First National Stock," *CDT*, Nov. 4, 1929, 32.
- **560 considered it worthless**: William Fox testimony, SEPH, Part 8, at 3698.
- 560 "from God Almighty": Transcript, 259.
- 560 "The Lord didn't want": Ibid.
- **560 "great faith in God"**: William Fox testimony, SEPH, Part 8, at 3698.
- **560 another twenty-four hour moratorium**: William Fox to Upton Sinclair, June 8, 1932, 2, US-MSS.
- **560 gave Fox the \$10 million**: Transcript, 259.
- 560 only \$3 million: Ibid.
- **560 Before handing the money**: Ibid., 260.

- 560 \$4.5 million: Ibid., 261.
- **560 35 percent margin basis . . . end of 1929**: Ibid., 260.
- 560 highest margin percentage: Ibid.
- 560 at \$40 each: Ibid., 261.
- **561 most of the \$3 million**: Ibid.
- 561 from \$40 to \$30 each: Ibid.
- **561 to get about \$26 million**: Ibid., 266; Committee Exhibit No. 177, SEPH, Part 8, at 3738.
- **561 "That was long enough"... "December 31, 1929"**: William Fox testimony, SEPH, Part 8, at 3699.
- 561 "message of cheer": Transcript, 265.
- 561 "telling that to my friends": Ibid.

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- **562 seemingly friendly . . . three days**: Transcript, 516.
- **562 shortly before November 15**: Ibid., 266; William Fox testimony, SEPH, Part 8, at 3737.
- 562 urgent matter was to raise the \$26 million: Transcript, 266.
- **562 until the Justice Department approved**: Ibid.
- 562 "We are no longer": Ibid.
- 562 "From time to time during my career": Ibid., 266.
- **562 without any particular spur . . . AT&T**: "Stocks Break Again In New Rush to Sell; Steel at Year's Low," *NYT*, Nov. 12, 1929, 1.
- 563 weak margin accounts . . . stabilized: Ibid.
- 563 deep crisis of confidence: Ibid.
- **563 More steep losses . . . Wednesday**: Galbraith, *The Great Crash 1929*, 126.
- 563 "Of all the days . . . dreariest": Ibid.
- 563 Investment trusts . . . hard hit: Ibid., 122–23.
- 563 advice of John Otterson: Transcript, 274.
- 563 In one day: Ibid.; William Fox testimony, SEPH, Part 8, at 3737.
- 563 \$85 million financing plan: William Fox testimony, SEPH, Part 8, at 3737–40. Although Fox told Upton Sinclair that the Dillon, Read plan was for \$75 million (Transcript, 274), Dillon, Read documents show a proposed offering of \$60 million of three-year collateral trust notes and \$25 million in convertible referred stock.
- 563 "like Aladdin": Transcript, 275.

- **563 \$500,000 loan to make a payment**: William Fox testimony, SEPH, Part 8, at 3740.
- 563 had sold two more: Ibid.
- 563 wanted all six notes: Ibid.
- 563 "I left there": Ibid., 276.
- 563 Dillon laughed in Fox's face: Ibid., 277.
- **564 stall on the securities issue**: Ibid., 276–77.
- 564 several years, ever since they were both been duped: Transcript, 405.
- **564 detect various flaws**: "A Film Inspection Machine," *Motion Picture Projectionist*, Oct. 1927, 46.
- **564 had met to commiserate**: Transcript, 406.
- 564 "wildly enthusiastic": Ibid.
- **564 invest \$10 million . . . banker friends**: Ibid., 407.
- **564 hear the other side of the story**: Ibid.
- **564 One morning at . . . their way over**: Ibid.
- 564 He left . . . Stuarts arrive: Ibid., 408.
- 564 Baruch didn't take any: Ibid.
- 564 "I felt I was drowning": Ibid., 200.
- **564** "most important step of my life": William Fox to John D. Rockefeller Jr., Nov. 12, 1929, 3, US-MSS.
- **564 "a great privilege and honor"**: Ibid.
- **564 spent several thousand dollars:** Transcript, 202.
- **564 dedicate the Peking Union Medical College**: "Rockefeller Trip to China," *NYT*, July 31, 1921, 3.
- **564 private screening . . . own copy of the film**: Transcript, 202. Later, with Rockefeller Jr.'s permission, Fox used scenes from the trip in the Fox newsreel.
- **565 "Metropolitan Square"**: "Rockefeller Closes Huge Deal," *NYT*, Jan. 23, 1929, 1, 13.
- 565 offered to pay \$1.45 million: Transcript, 368.
- **565 more than halfway down the block**: "Rockefeller Buys Last Lots for Site," *NYT*, Dec. 9, 1932, 23.
- 565 to sell at any price: Transcript, 369.
- 565 to build his own office tower there: Ibid.
- 565 to accept the \$1.45 million: Ibid.
- **565 part of his financing had fallen through**: Daniel Okrent, *Great Fortune: The Epic of Rockefeller Center* (New York: Viking,

2003), 68.

565 to pay only \$800,000: Transcript, 369.

565 for only \$300,000: "Wm. Fox's Profit of \$500,000," *Variety*, Dec. 13, 1932, 7.

565 he declined: Transcript, 369.

565 "Your letter of November 12th": John D. Rockefeller Jr. to William Fox, Nov. 18, 1929, copy attached to William Fox to Upton Sinclair, June 13, 1932, US-MSS.

565 "Under these circumstances": Ibid.

565 "very prompt response": William Fox to John D. Rockefeller, Nov. 22, 1929, US-MSS.

565 "your splendid counsel": Ibid.

565 referring Fox to . . . Aldrich: Transcript, 292.

566 the bank's "no" man: Ibid.

566 half interest: Ibid., 282.

566 price as ten times annual earnings: William Fox testimony, SEPH, Part 8, at 3742.

566 \$27.5 million: Transcript, 282.

566 new co-owner guarantee: Ibid., 280.

566 "happy to sell": Ibid., 281.

566 "just one of the many children": Ibid.

566 intended to build the studio up: Ibid., 685.

566 "as water comes from a faucet": Ibid., 684.

566 half its capital and surplus: Albert M. Greenfield testimony, Trial Transcript, Sept. 16, 1932, at 211, *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, No. 6749 in Equity, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.

566 all of West Coast: Transcript, 283.

566 "fell into a trap": Ibid., 282.

567 "prove our friendship": Ibid.

567 buy West Coast Theaters: Ibid.

567 "be luckier than I was": Ibid.

567 string Fox along: Ibid., 283.

567 forgo a commission: Ibid.

567 only they were serious buyers: Ibid.

567 both withdrew: Ibid.

567 suppress . . . ensure the destruction: Ibid., 397–98.

- **567** "too stupid": Ibid., 397.
- 567 "everybody is planning to destroy you": Ibid., 398.
- 567 personal loan of \$2.5 million: Ibid.
- 567 "misconceived the attitude": Ibid.
- 567 "I reached for his hat and coat": Ibid.
- 568 "You were right": Ibid.
- 568 "I want you to go back": Ibid., 398-99.
- 568 "the people of this country": Ibid., 398.
- 568 "The day will come": Ibid., 399.
- 568 "That was the last thing I wanted": Ibid., 474.
- 568 "forget my ambition": Ibid.
- 568 dropped to about \$24 million: Ibid.
- **568** Only a company that wanted . . . \$73 million: Ibid., 475.
- 568 only Warner Bros. and Paramount: Ibid.
- 568 before the stock market crash . . . to acquire Warner Bros.: Ibid., 476.
- **568** contingent on Justice Department approval: Ibid., 475, 477.
- 569 Otto Kahn . . . not raise enough money: Ibid., 476–77.
- **569** "At this time Warners had . . . wanted these shares": Ibid.
- 569 under orders from AT&T: Ibid., 476.
- 569 also have pressured Goldman Sachs: Ibid., 477.
- **569 Hearst and Louis B. Mayer**: "Fox Silent on Reported Loew Deal," *FD*, Dec. 2, 1929, 1; "Fox Vests Control of His Vast Holdings in Trustees' Board," *NYT*, Dec. 7, 1929, 16.
- **569 lost \$3.3 million on 210,300 shares**: William A. Gray statements, SEPH, Part 3, at 897, 985–86, and 1088.
- **569 adopt a resolution ratifying**: William Fox interview with William A. Gray, June 15, 1932, Part 2, 15, US-MSS.
- **569 None of the records**: Ibid., 15–16; George K. Watson statement, SEPH, Part 3, at 1087.
- **569 1929 personal income tax**: William A. Gray statement, SEPH, Part 3, at 897 and 986–87.
- **569 on the day they'd learned**: Transcript, 283.
- **569 demanded power of attorney to run**: William Fox testimony, SEPH, Part 8, at 3708.
- 570 considered the companies effectively bankrupt: Ibid.
- **570 ten-minute tirade . . . went to sleep:** Transcript 284.
- **570 he reconsidered**: Transcript, 284.

- **570 he sent for Stuart**: William Fox testimony, SEPH, Part 8, at 3709.
- **570 the voting trust would end**: William Fox testimony, SEPH, Part 8, at 3710.
- 570 "really sounded wonderful": Ibid.
- 570 November 24 at the University Club: Transcript, 285.
- 570 make any changes . . . advisable: Ibid., 286.
- 570 New boards of directors: Transcript, 286.
- 570 in charge at the option: Ibid., 287.
- **570 no time limit**: Ibid., 286.
- 570 "May ask for more": Ibid., 287.
- 570 "both to go to hell": Ibid.
- **570 "a fool's paradise"**: Ibid., 273.
- **570** "Well, now, boy, wait": William Fox testimony, SEPH, Part 8, at 3700.
- **570 hired Joseph N. Hartfield**: William Fox to Upton Sinclair, July 8, 1932, 1, US-MSS.
- 570 imitating Sarah Bernhardt's acting poses: Transcript, 739.
- 570 considered a genius: Ibid., 287.
- **570 "Nothing that" . . . "banker's lawyer"**: William Fox testimony, SEPH, Part 8, at 3701.
- **570 promised him \$1 million**: Transcript, 288.
- 570 "Did a well-known Wall Street": Ibid.
- 570 a "big man": William Fox testimony, SEPH, Part 8, at 3711.
- 571 "looks like God": Charles Evans Hughes, *The Autobiographical Notes of Charles Evans Hughes*, edited by David J. Danelski and
 Joseph S. Tulchin (Cambridge, MA: Harvard University Press,
 1973), xxviii.
- **571 morning of Monday, November 25, 1929**: William Fox to Upton Sinclair, July 8, 1932, 1, US-MSS.
- **571 breakdown two years before**: Hughes, *The Autobiographical Notes of Charles Evans Hughes*, 287, 289.
- **571 \$400,000 . . . declined significantly**: Merlo J. Pusey, draft of "Charles Evans Hughes," 1044. CEHP, Biographical File, 1906–1951, LOC, Manuscript Division.
- **571 no longer accept**: Ibid.
- **571 more than three hours**: Transcript, 290.
- **571 only two hours every night**: Ibid., 291; William Fox testimony, SEPH, Part 8, at 3711.

- 571 "I can't think": Transcript, 291.
- 571 he would do the thinking: Ibid.
- **571 ended in the early afternoon**: William Fox to Upton Sinclair, July 8, 1932, 1, US-MSS.
- 571 "a grip of friendship": Transcript, 290.
- **571 hired Hughes that day**: William Fox to Upton Sinclair, July 8, 1932, 1, US-MSS.
- 571 slept for forty-eight hours: Transcript, 294.
- **571 antitrust lawsuit**: "Fox and Warners Are Sued As Trusts; Dissolution Sought," *NYT*, Nov. 28, 1929, 1.
- 571 violation of the Clayton Act: Ibid.
- 572 divest themselves of all: John Harlan Amen statement, 1, *USA v. Fox Theatres, Fox Film, and William Fox*, in Equity 51-122, United States District Court, Southern District of New York. NARA-NYC.
- **572 40 percent of U.S. film production**: "Big Movie Companies In Anti-Trust Suits," *Atlanta Constitution*, Nov. 28, 1929, 6.
- **572 dated two days earlier**: Upton Sinclair to William Fox, June 8, 1932, US-MSS.
- 572 "seemed mystified": Transcript, 291.
- **572 Hughes urged Fox to go along:** William Fox testimony, SEPH, Part 8, at 3712.
- **572** objectionable terms could be eliminated: Transcript, 291.
- **572** "He told me he knew the telephone company": William Fox testimony, SEPH, Part 8, at 3712.
- 572 "I trust myself entirely": Transcript, 292–93.
- **572 bear raid . . . December 2**: William Fox to Upton Sinclair, July 8, 1932, 2, US-MSS.; William Fox testimony, SEPH, Part 8, at 3716.
- **572 Major investors . . . wipe out the 35 percent margin**: William Fox testimony, SEPH, Part 8, at 3716.
- 572 brokers would sell all: Ibid.
- **572 That Friday evening**: Transcript, 304.
- **572 Clarke, who was in Chicago**: William Fox testimony, SEPH, Part 8, at 3717.
- **572 sent Will H. Hays to see Fox**: Transcript, 307; William Fox testimony, SEPH, Part 8, at 3715.
- **572** how much he wanted . . . voting shares: Ibid.

- **572 price to Clarke of \$100 million**: Transcript, 307.
- **572 would accept \$33**¹/₃ **million**: Ibid.; William Fox testimony, SEPH, Part 8, at 3715.
- **573 Clarke phoned to accept**: William Fox testimony, SEPH, Part 8, at 3716.
- 573 at least \$6 million by Monday morning: Ibid., 3717.
- 573 nothing left of the Fox companies: Ibid., 3716–17.
- **573 send a Chase Bank representative . . . \$6.5 million**: Transcript, 308.
- 573 he changed his mind . . . 9:15 a.m. on Monday: Ibid.
- 573 At the urging of . . . Greenfield: Albert M. Greenfield testimony, Blumenthal v. Greenfield, Sept. 16, 1932, 209. Alfred C. Blumenthal vs. Albert M. Greenfield, et al., in the District Court of the United States for the Eastern District of Pennsylvania.

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- **573 more than \$5 million . . . raw film:** Transcript, 303; William Fox testimony, SEPH, Part 8, at 3716.
- 573 Fox explained . . . to George Eastman: Albert M. Greenfield testimony, Blumenthal v. Greenfield, Sept. 16, 1932, 208. Alfred C. Blumenthal vs. Albert M. Greenfield, et al., in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL
- **573 seventy-five-year-old founder**: Eastman was born on July 12, 1854.
- **573 remained chairman of the board**: "Eastman Kills Self With Gun at Rochester," *Poughkeepsie Eagle-News*, Mar. 15, 1932, 1.
- **573 Fraught with anxiety**: William Fox testimony, SEPH, Part 8, at 3717.
- 573 At 9:50 a.m. . . . Ambassador Hotel: Ibid.
- 573 Neither had Eastman Kodak: Ibid.
- 573 "You watch that damn clock": Ibid.
- 573 At 9:56 the phone rang: Ibid.
- **573 special board meeting that morning**: Murry C. Becker statement, SEPH, Part 8, at 3717.
- **573 deposited \$6.3 million**: Fox Theatres to Bankers Trust Company, Dec. 2, 1929, attached to William Fox to Upton Sinclair, July 8, 1932, US-MSS; William Fox testimony, SEPH, Part 8, at 3717–18.

- 573 no conditions to the loan: Transcript, 313.
- **573** "Every proof that an atheist": William Fox testimony, SEPH, Part 8, at 3717.
- **573 half a dozen Fox employees . . . paid in full**: Transcript, 310; William Fox testimony, SEPH, Part 8, at 3718.
- **573** exclusive five-year contract: Transcript, 313.
- **574 bear raid . . . didn't take place**: William Fox testimony, SEPH, Part 8, at 3718.
- 574 Albert H. Wiggin and Matthew C. Brush: William Fox interview with William Gray, June 8, 1930, 24, US-MSS. Fox later decided that Brush hadn't been involved in the aborted raid on the Loew's shares (William Fox to Upton Sinclair, July 8, 1932, 2, US-MSS).
- **574 prominent stock market operator**: Ferdinand Pecora statement, SEPH, Part 8, at 3760.
- 574 At 10:30 a.m.: William Fox testimony, SEPH, Part 8, at 3718.
- 574 Clarke apologized: Ibid.
- 574 buy Fox's voting shares . . . \$33¹/₃ million: Ibid.
- 574 "just a little bit of crookedness": Ibid.
- 574 sell to Clarke's nominee all 660,900: Ibid.
- **574 had paid \$73 million**: Ibid., 3719.
- **574 wind up in prison**: Ibid., 3718.
- **574** "And, by the way": Ibid., 3719.
- 574 "This is ridiculous": Ibid.
- **575 reconstitute the board of directors**: Transcript, 351–52. This was not put into writing.
- 575 Did Fox want Hughes: Transcript, 293.
- 575 "whichever he thought was the best": Ibid.
- 575 Hughes insisted that Fox: Ibid.
- 575 Hughes represent the trusteeship: Ibid., 294.
- **575** "were going to be the kind gentlemen" . . . guiding hand: Ibid., 293–94.
- **575 signed it on December 5**: William Fox to Upton Sinclair, July 8, 1932, 1, US-MSS.
- 575 consistent with December 3: Transcript, 227, 344, 351; "Shipping and Mails," *NYT*, Dec. 4, 1929, 62; "List of U.S. Citizens," S.S. *Majestic*, arriving New York Dec. 3, 1929. www. ancestry.com; William Fox to Upton Sinclair, July 8, 1932, 1,

- US-MSS.
- **575 Sheehan, who had just returned**: Transcript, 227; "Shipping and Mails," 62; "List of U.S. Citizens," S.S. *Majestic*, arriving New York Dec. 3, 1929. www. ancestry.com.
- **575 around 7:30 p.m.**: "Trustees Planned to Keep Fox Assets Intact, Sheehan States in Affidavit," *MPN*, Mar. 30, 1930, 41.
- **575 lasted until 4:00 a.m.**: "Sheehan's Declaration," *Variety*, Mar. 26, 1930, 6.
- **575 "very happy"... "entire business career"**: "Trustees Planned to Keep Fox Assets Intact, Sheehan States in Affidavit," 41.
- **575 first meeting . . . AT&T headquarters**: Transcript, 343.
- **575 shuffling Fox into a chair . . . suggest that Otterson**: William Fox testimony, SEPH, Part 8, at 3713.
- 575 "Wait a minute" . . . "act as that": Ibid.
- **575 fell fast asleep**: Ibid.
- **575** \$490,000 . . . support the margined stock: Ibid., 3714.
- 576 hadn't told anyone . . . personal property: Ibid.
- **576 \$3 million . . . mostly Fox Theatres and Fox Film stock:** William Fox to Upton Sinclair, July 8, 1932, US-MSS.
- 576 out of his brokers' hands: Transcript, 347.
- **576** persuaded Isidor Ostrer . . . at least six months: Ibid., 390.
- **576 arranged for eleven banks**: William Fox testimony, SEPH, Part 8, at 3731.
- **576 not to call in their loans until**: Halsey, Stuart & Co. to the Stockholders, Fox Film Corporation and Fox Theatres Corporation, Mar. 24, 1930, 11, HTC.
- **568 \$6.5 million worth . . . cashing in four**: William Fox to Upton Sinclair, 8 July 1932, 1. US-MSS.
- 576 Warners redeemed the notes at par: Transcript, 278.
- 576 pledged that when they reorganized: Ibid., 352.
- 576 name four of the eight directors: Ibid., 351.
- 576 himself, Jack Leo . . . King: Ibid., 352.
- 577 Leo was too close to Fox: Ibid., 351–52.
- 577 "what was to prevent them": Ibid., 352.
- **577 didn't guarantee . . . remain president**: Exhibit A, 32, 35, *William Fox v. H. L. Stuart, John E. Otterson, et al.*, in Equity 52-170, 1930. United States District Court, Southern District of New York. NARA-NYC.

- 577 "a terrific mistake": Ibid., 355.
- 577 "earned by the sweat of my brow": Ibid.
- **577 temperature of 103.5**: Ibid., 352.
- **577** "understood to be leaving" . . . Fox-Case: "Jack Leo Is Reported Leaving Fox Companies," *FD*, Dec. 9, 1929, 1.
- **577 Otterson, Stuart, and Sheehan were preparing to reorganize**: Transcript, 352.
- **577 Franklin, who earned \$50,000 a year:** William Fox testimony, SEPH, Part 8, at 3732.
- **577 \$150,000 a year, plus ten percent of net profits**: Transcript, 352; William Fox testimony, SEPH, Part 8, at 3732.
- **577** no salary . . . no reimbursement for personal expenses: Transcript, 352–53.
- 577 December 12 . . . summoned Sheehan: "Fox Repudiates
 Trusteeship, Alleging 'Giant Conspiracy to Ruin and Rob Him',"
 MPN, Mar. 29, 1930, 42.
- 578 peerless leader: "We the Undersigned," attached to William Fox to the Stockholders of Fox Film Corporation and Fox Theatres Corporation, Apr. 8, 1930, in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," HTC.
- **578** "who is going to stand by": Transcript, 356.
- **578 wasn't practical right now**: Ibid.
- 578 "This is the first time": Ibid.
- 578 Sheehan refused: Ibid., 357.
- **578 at least to remain loyal . . . mislead him:** "Answer to Sheehan Affidavit," in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 21, HTC.
- **578** "To this statement": Ibid., 21–22.
- **578** "complete control": "Loew's Stays Under Fox Wing; Fox Again Heads Film, Theatre Companies," *MPN*, Dec. 14, 1929, 15.
- **578 "working hand in hand":** "Hollywood Hints At Many Changes," *MPN*, Dec. 14, 1929, 15.
- 578 "It is their intention": "Answer to Sheehan Affidavit," in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 20, HTC.

- **578 Franklin replace Fox . . . heap on him**: Ibid.
- **578 "definitely decided":** "Fox Trustees Plan a Holding Company," *NYT*, Dec. 16, 1929, 1.
- 578 form a holding company to take over: Ibid.
- 578 for only \$2.7 million: Transcript, 363.
- 578 "convinced me beyond the shadow": Ibid., 362.
- 579 voting trust was over: Ibid., 370.
- 579 on December 17, 1929: William Fox to the Stockholders of Fox Film Corporation and Fox Theatres Corporation, Apr. 8, 1930, in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 12, HTC.
- 579 "I didn't know how": Transcript, 255.
- 579 entirely controlled the appointment: Complaint, 4. William Fox vs. H. L. Stuart, John E. Otterson, et al., in Equity 52-170, 1930. United States District Court, Southern District of New York. NARA-NYC.
- 579 only Fox could appoint: Ibid.
- **579 December 17, 1929, six members**: "Charges Fox Threatened Receivership If Bancamerica Plan Was Not Adopted," *MPN*, Mar. 29, 1930, 43.
- **579** "round robin letter": Transcript, 321.
- 579 instigated by Sheehan: "Affidavit of Winfield R. Sheehan," Winfield R. Sheehan v. Fox Film Corporation, et al., Mar. 18, 1930. Attached to Halsey, Stuart to the stockholders, Fox Film Corporation and Fox Theatres Corporation, Mar. 24, 1930, 34, HTC.
- 579 "highly immoral" . . . "nothing short of disaster": "Affidavit of Winfield R. Sheehan," *Winfield R. Sheehan v. Fox Film Corporation, et al.*, Mar. 18, 1930, attached to Halsey, Stuart to the stockholders, Fox Film Cororation and Fox Theatres Corporation, Mar. 24, 1930, 36, HTC.
- **579 Rogers . . . Courtland Smith**: Ibid., 37.
- **580 December 23 . . . disloyalty**: "Charges Fox Threatened Receivership If Bancamerica Plan Was Not Adopted," 43.
- 580 "frank and honest conviction" . . . Fox himself: Ibid.
- **580 "Mr. Fox thereupon"**: Ibid.
- **580 convoluted explanation . . . useful to Fox**: Transcript, 321.

- **580 "That reasoning sounded"**: Ibid.
- 580 "So I overlooked it": Ibid.
- 580 "I am not going to cry and weep": Ibid., 697.
- **580** "a complete and stony silence": "Trustees Maintain Complete Silence," *MPN*, Dec. 14, 1929, 15.
- **580 whispering campaign**: William Fox, "An Open Letter to the Stockholders," Jan. 18, 1930, 2, DABP.
- **580 lied about . . . speculation**" William Fox to Halsey, Stuart, Jan. 10, 1930 (Draft), 2–3. US-MSS.
- 580 "Wicked falsehoods": Ibid., 3.
- **580** "the trustees thoroughly believe" . . . \$16 million: "Draft to be sent to banks," Dec. 12, 1929, 5, US-MSS.
- **581 Traders hammered Fox Film**: "Drastic Action Due Momentarily by Fox 'A' Group," *MPN*, Dec. 21, 1929, 15.
- 581 December 19, 1929 . . . crawling back up: Ibid.
- **581** "outstanding figures" . . . "AT&T won't move": "Lines On Otterson," *MPN*, Dec. 21, 1929, 15.
- 581 Smith's most prominent supporters . . . reelection campaign:
 Pierre de Rohan, "Politics Seen Behind Fox Troubles," *New York Morning Telegraph*, Jan. 6, 1930, 1.
- **581 lighthearted affair:** "Movie Film Gives Speeches at Dinner," *NYT*, Dec. 21, 1929, 5.
- 581 Short, slender, and bald: Transcript, 742.
- **581 warm, sympathetic manner**: Transcript, 742–43.
- 581 Shearn listened for nearly five hours: Ibid., 743.
- 581 take up a client's cause: Ibid.
- **582 vacation in Bermuda**: Hughes, *The Autobiographical Notes of Charles Evans Hughes*, 289.
- **582 "quite intimately"**: Oral History interview with John Lord O'Brian (1967), 606, CCOHA.
- 582 "didn't take things personally": Ibid., 64.
- **582** "The bearded iceberg": James Chace, 1912: Wilson, Roosevelt, Taft & Debs—The Election That Changed the Country (New York: Simon & Schuster, 2004), 100.
- **582** "inordinately conceited": Theodore Roosevelt to Kermit Roosevelt, Jan. 27, 1908, in Roosevelt, *Theodore Roosevelt, Letters and Speeches* (New York: The Library of America, 2004), 555–56.

- **582 totaling \$6.85 million**: "Draft to be sent to banks," Dec. 12, 1929, 2, US-MSS.
- **583 acknowledged that the agreement was defunct**: William Fox testimony, SEPH, Part 8, at 3734.
- **583 offered to collateralize . . . \$2 worth of property**: Transcript, 366; William Fox testimony, SEPH, Part 8, at 3734.
- **583 after one banker asked . . . consternation**: William Fox testimony, SEPH, Part 8, at 3734–35.
- 583 "We received no replies": Transcript, 367.
- 583 settlement right away: Ibid., 389.
- 583 "kept cabling for his money": Ibid.
- 583 largest business failure in U.S. history: Ibid., 684.
- **583 employed twenty-five thousand people**: William Fox, "An Open Letter to the Stockholders," Jan. 18, 1930, 1, DABP.
- **583 Fox sent him to ask President Hoover:** William Fox testimony, SEPH, Part 8, at 3743.
- 584 believed was leading the bankers' blockade: Ibid.
- **584** "a vein of arrogance": Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York: Vintage Books, 1989), 381.
- **584 to Wiggin's home for Christmas**: William Fox testimony, SEPH, Part 8, at 3743.
- 584 "interference" . . . mind his own business: Ibid.
- **584** "absolutely and entirely false": Albert H. Wiggin testimony, SEPH, Part 8, at 3865.
- 584 on Christmas or any other day: Ibid.
- **584** "The incident can exist only": "Will Subpoena Fox Records," *WSJ*, Nov. 25, 1933, 9.
- 584 spent that date together: Transcript, 401.
- **584 celebrating their anniversary**: Ibid., 400–401.
- 584 "I would rather forget": Ibid., 401.
- 584 "very devoted wife": Ibid., 399.
- 584 "I instinctively felt": Ibid., 293.
- 584 "I not only couldn't come home": Ibid., 400.
- 585 "I told her my affairs": Ibid.
- 585 seriously ill: Ibid.
- **585 "I had loved most"**: Ibid., 401.

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- **586 finalized on January 24, 1930**: "Fox's Daughter Divorced," *NYT*, Jan. 25, 1930, 12.
- **586** "Nice boy, dad dearest" . . . "Mommy": Transcript, 759.
- 586 "Courage—General mine": Ibid., 760.
- 586 "poor soul suffering": Ibid., 401.
- 586 270 Park Avenue: Ibid.
- 586 "No conference took place": Ibid.
- 587 deferred to Eva's judgment: Ibid.
- **587** Three weeks earlier . . . protective committee: "Demands Full Data on Tax Film Plan," *NYT*, Dec. 12, 1929, 48.
- **587** "to get at the bottom": "Fox Holds No Class A Stock, Says Committee," *New York Evening Post*, Dec. 13, 1929, 29.
- **587 no one recognized the names:** "Demands Full Data on Tax Film Plan," 48.
- **587 it did nothing:** "Receivership Hint Brings Stock Break," *NYT*, Jan. 3, 1930, 24.
- **587** "unmovable, almost defiant": "Trustees-Fox Deadlock," *Variety*, Jan. 1, 1930, 5.
- **587 receivership was probably inevitable**: "Receivership Hint Brings Stock Break," 24.
- 587 the shareholders might do so: Ibid.
- 587 from 23₅/8 to 17: Ibid.
- 587 regained only one-quarter: Ibid.
- **587 one-day paper loss of \$3.8 million**: Pierre de Rohan, "Politics Seen Behind Fox Troubles," *New York Morning Telegraph*, Jan. 6, 1930, 1.
- **587 \$73 million . . . projected at \$17 million**: Pierre de Rohan, "Fox Stockholders Are Reassured," *New York Morning Telegraph*. Jan. 4, 1930, 1.
- **587 backed off from its receivership threat:** "Fox Statement Halts Talk of a Receivership," *CDT*, Jan. 4, 1930, 11.
- **587 to offer collateral**: Transcript, 367.
- **587 wanted their money**: Ibid.
- **587** "[Y] ou might just as well talk": William Fox testimony, SEPH, Part 8, at 3735.
- 588 seized at every branch . . . loan balance: Ibid., 3700.
- 588 checks came back marked "N.G.": Ibid; "A New Currency Bill,"

- The Bankers' Magazine 56 (Jan.-June 1898): 587.
- 588 "man who loans you an umbrella": Transcript, 686.
- **588 Paris branch of the Guaranty Trust . . . "We don't want any":** William Fox testimony, SEPH, at 3700.
- **588 "Banking friends who were life-long"**: William Fox, "An Open Letter to the Stockholders," Jan. 18, 1930, 2, DABP.
- 588 \$9 million: Bill of Complaint, Jan. 20, 1930, SDK-FFC.
- **588 support the British Gaumont theaters purchase**: William Fox to Halsey, Stuart, Jan. 10, 1930, 1, US-MSS.
- **588 thirty days overdue . . . due and payable**: Bill of Complaint, SDK-FFC, 8. NARA NYC.
- **588** "There has been no default": William Fox to Halsey, Stuart, Jan. 10, 1930 (Draft), 3, US-MSS.
- **589** "you participated in the negotiations": Ibid., 1.
- 589 "What were you studying": Ibid., 2.
- 589 "Is your letter a challenge?": Ibid., 3.
- 589 after Henry Ford's: Transcript, 427-28.
- **589 with his factories closed . . . \$75 million offer:** "Financiers Loud in Praise of Ford," *NYT*, July 24, 1921, 2.
- **589 submit to supervision of . . . spending**: Ibid.
- **589 "I handed him his hat"**: "Ford Tells How He Foiled Wall Street When It Demanded \$60,000,000 He Owed; Raised \$87,000,000, Turned Banker Out," *NYT*, July 23, 1921, 1.
- 589 Ford asked his dealers: Transcript, 428.
- **589 By April . . . \$36 million in cash**: "Financiers Loud in Praise of Ford," 2.
- 589 hailed as a genius: Ibid.
- 589 "Why couldn't Fox": Transcript, 428.
- 589 Fox Film had as its merchants: Ibid.
- 589 half of those theaters: Ibid.
- 589 If each exhibitor bought \$2,000: Ibid.
- 590 "perfect bond": Ibid.
- **590 hired John Thomas Madden**: William Fox testimony, SEPH, Part 8, at 3746.
- **590** an exhibitor . . . would be able to borrow: Transcript, 429.
- **590 \$35 million . . . gold notes**: "Fox Securities Corp. Organized," *Wall Street News*, Jan. 16, 1930.
- **590 never owned any stock**: David A. Brown to P. S. Harrison, Feb.

- 20, 1930, 3, DABP.
- **590 neither he nor his bank would receive any fee**: Undentified sender to Alexander S. Kempner, Feb. 25, 1930, DABP.
- **590 "I came into this picture"**: David A. Brown to P. S. Harrison, Feb. 20, 1930, 3, DABP.
- **590 "every rich Jew" . . . anti-Semitic persecution**: Transcript, 435.
- **590 On January 16, 1930, the day before**: "Fox Finance Plan Seen As Assured," *New York World*, Jan. 17, 1930.
- 590 "Our telephone lines": Ibid.
- 590 "a wonderful issue": Ibid.
- **591 thirteen exhibitors representing 233 theaters**: "To Hold Conference of Fox Creditors," *Journal of Commerce*, Jan. 20, 1930.
- **591 seating capacity of 300,000 . . . Ambassador Hotel**: "Movie Trust Denied In Fox Reply To Suit," *NYT*, Jan. 18, 1930, 10.
- **591 buy "substantial" amounts**: "Independent Exhibitors Are Supporting Fox Finance Plan," *FD*, Jan. 19, 1930, 11.
- **591 four-page statement**: "Solution of Fox Situation Seen In New Moves," *EH-W*, Jan. 25, 1930, 28.
- **591** "so different from the stories": "Independent Exhibitors Are Supporting Fox Finance Plan," 11.
- **591 "a privilege to participate in this financing"**: Ibid.
- **591 "vicious" Wall Street plot against him**: William Fox, "An Open Letter to the Stockholders," Jan. 18, 1930, 2–3, DABP.
- **591 "All my life, since the age" . . . "open and clean"**: Ibid., 3.
- 591 "I am determined": Ibid.
- **591 prompt the U.S. Senate to investigate**: Transcript, 615.
- 591 would invite a lawsuit: Ibid., 374.
- 592 "'Why the hell aren't'": Ibid.
- 592 lasted half an hour: Ibid.
- **592 didn't resign . . . bother to sue**: Ibid., 383.
- **592 Shearn . . . quit as well**: Ibid., 375.
- 592 "horrified by it all": Ibid., 374.
- 592 "He must have again and again": Ibid., 743.
- **592** "gladiator": Ibid., 471.
- **592 "big bugaboo"**: William Fox testimony, SEPH, at 3745.
- **592 the major cause**: "Semi-Comatose for Days," NYT, Apr. 1, 1913, 2.
- **592 had represented Warner Bros.**: "Untermyer Warners' Atty. In W.

- E. Arbitration," *Variety*, Apr. 25, 1928, 20; "Everything Talkers," *Variety*, May 16, 1928, 29.
- **592 the "most oppressive" . . . "fleecing"**: "Untermyer Ready to Fight AT&T," *New York World*, Jan. 1, 1926, 3.
- **592 swinging his arms for emphasis**: Oral History interview with Ferdinand Pecora (1962), 382. CCOHA.
- 592 keen intellect and thorough preparation: Ibid.
- **592 urged Fox to hire Untermyer**: Transcript, 431.
- 592 had wanted to hire him: Ibid.
- 593 "lowest type of human": Ibid.
- **593 Born in Virginia**: "Untermyer Dead in His 82d Year; Long Had Been Ill," *NYT*, Mar. 17, 1940, 1, 48.
- **593 store on West Fifty-Fourth Street**: Oral History interview with Ferdinand Pecora (1962), 384 CCOHA.
- 593 breweries that sold beer to bars: Ibid., 385.
- **593 would not take the case**: Transcript, 431.
- 593 clung to Hughes's low opinion: Ibid.
- **593 a long time to persuade him**: David A. Brown to Samuel Untermyer, Feb. 5, 1934, DABP.
- 593 Atlantic City's President Hotel: Transcript, 432.
- **593 "a gentleman to his fingertips"**: William Fox testimony, May 21, 1941. US-DK. at 500.
- **593 pledged \$70 million worth of property**: "Fox Near Settlement," *Variety*, Jan. 22, 1930, 20.
- **594 first one . . . Stanley Lazarus**: "Fox Stockholders Ask Receivership," *New York World*, Jan. 19, 1930.
- **594 Lawrence and Arthur**: Arthur and Lawrence Berenson were cousins of art historian Bernard Berenson. Ernest Samuels and Jayne Samuels, *Bernard Berenson, the Making of a Legend* (Cambridge, MA: Harvard University Press, 1987), 282.
- **594 two Massachusetts clients**: These were Benjamin Rudnick and Abraham Snider.
- **594 allegedly bought 440**: Bill of Complaint, Jan. 23, 1930, 1, Benjamin Rudnick and Abraham Snider v. Fox Film et al. NARA-NYC.
- 594 total of \$47,080: Arthur Berenson statement, SMM, 62.
- **594 paid "a million or two"**: William Fox testimony, SEPH, Part 8, at 3750.

- 594 stock to begin this lawsuit: Ibid., 3768.
- **594 late husband's estate, 19,150 shares**: Bill of Complaint, Jan. 20, 1930, 2. SDK-FFC.
- 594 400 shares of Class A stock: Minutes of Adjourned Special Meeting of Fox Film Board of Directors, Mar. 6, 1930, 10, US-MSS.
- **594 loss of more than \$1 million**: "Suit Says Fox Lost Company Cash In Market," *New York American*, Jan. 21, 1930.
- **594 "wasteful strife and controversy"**: Bill of Complaint, Jan. 20, 1930, 9. SDK-FFC.
- **594 "grave peril"**: Ibid., 17.
- 594 brink of "slaughter": Ibid., 9.
- 595 "virtually all" . . . "utter neglect and disregard": Ibid., 14.
- 595 "exorbitant profits": Ibid., 10.
- **595 basis for federal criminal prosecution**: "Criminal Use of Movie Funds Charged to Fox," *New York Evening World*, Jan. 20, 1930.
- **595 \$200,000 investment in 1915**: "Fox Near Settlement," 9.
- **595 \$5.7 million . . . fifteen years**: "Second Receivership Suit Charges Fox Speculation," *New York World*, Jan. 21, 1930.
- **595** most of the fortune that Kuser left: Transcript, 451.
- 595 one of his best friends: Ibid.
- **595 Fox immediately issued**: "Suit Says Fox Lost Company Cash In Market."
- 595 "Whatever else may happen": Ibid.
- **595 12,000 Class B... 28,000 Class A**: "Fox Affidavit Filed in Court," *New York Sun*, Jan. 30, 1930.
- **595 declare their support**: Kuser family letter to Samuel Untermyer, Jan. 24, 1930, SDK-FFC.
- **595** had been tricked . . . no ill feelings: Transcript, 455.
- **596** she appreciated all the money: Ibid., 455.
- **596** "[W] e lawyers know": Emory R. Buckner statement, SMM, 114.
- 596 common stock was wiped out: Ibid.
- **596 annual interest burden of \$2.45 million**: "Fox Securities' Aims Outlined," *WSN*, Jan. 18, 1930.
- **596 buy about \$15 million worth . . . rescinded**: "Fox Finance Plan Seen As Assured," *New York World*, Jan. 17, 1930.
- **596 Ford also declined**: Transcript, 334.
- 596 only gesture of support . . . "'All roads lead to Rome'":

- Transcript, 334.
- 597 ask his partner, wife: Ibid., 446.
- 597 "Confidentially it was reported": Ibid., 447.
- **597 only \$200,000**: Ibid.
- 597 "my coming in personal contact": Ibid.
- 597 "I was trying to sell": Ibid.
- 597 "fallen by the wayside": Ibid., 448.
- **597** By February 1 . . . canceling the gold notes: Guggenheimer, Untermyer & Marshall to David A. Brown, Feb. 1, 1930, DABP.
- 597 at Fox's insistence: Ibid.
- **597 only expenses . . . company's literature**: Unknown sender to Alexander S. Kempner, Feb. 25, 1930, DABP.
- **597** "racketeering gangs" . . . "shyster lawyers": David A. Brown to Harry M. Warner, Aug. 23, 1930, DABP.
- 597 "these leeches trying": Ibid.
- 598 entire stack of financial documents: Transcript, 430.
- 598 "Every time I saw him": Ibid.
- **598** "report to him the number of million": Ibid., 447.
- **598 Dillon, Read...he wanted the firm included**: Ibid., 460.
- 598 "Never avoid your enemy": Ibid., 461.
- 598 \$65 million in debenture bonds and preferred stock:
 - "Opponents of Fox's Idea Thwart Action," *WP*, Feb. 12, 1930, 14; "Bankers Modify Demand on Fox," *New York Morning Telegraph*, Feb. 20, 1930, 1.
- 598 neither owned even a single share: William Fox to the Stockholders of Fox Film Corporation and Fox Theatres Corporation, Apr. 8, 1930, in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 4, HTC.
- **598 fifty-eight accountants and twenty-two lawyers**: Transcript, 438.
- 599 Walker summoned Fox: Ibid.
- 599 asking about the Tri-Ergon: Ibid.
- **599 half of the Grandeur company . . . Movietone News**: Ibid., 438–39.
- **599 quarter interest**: Ibid., 439.
- **599 as much as \$600,000**: Ibid., 438.
- **599** "From their cross examination": Ibid., 623.

- **599 graying quickly**: Gene Cohn, "Story of William Fox's Fight Against Gods of Wall Street Is Real-life Movie Drama," *Niagara Falls Gazette*, Jan. 30, 1930, 19.
- **599 quit or was fired on January 17, 1930**: "Fox Near Settlement," 20.
- **599 Mussolini . . . King George**: Peter Vischer, "Broadway," *EH-W,* Mar. 16, 1929, 24.
- **599** "worth even half as much": "The Value of Movietone News Has Shrunk By More than 50%," *HR*, Feb. 22, 1930, 32.
- **599 mastectomy**: JoAnn Fox Weingarten interview with the author.
- **599 recently returned from Europe**: Alfred C. Blumenthal testimony, Trial transcript, Sept. 16, 1932, 15. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- 599 he had received \$1.25 million: Transcript, 222.
- **599** "knew nothing more . . . than a little dog": Ibid.
- 599 hiding behind the door eavesdropping: Ibid., 230.
- 600 "She said, 'He won't": Ibid.
- **600 Forcefully . . . "locked her in"**: Ibid.
- **600 In December 1929, Grace Leo . . . was hospitalized**: "Woman Patient Found on Snowbank in Park," *NYT*, Jan. 23, 1930, 48.
- **600 Neurological Institute**: Ibid.
- **600 changed into street clothes . . . out of the hospital**: Ibid.
- **600 West 168th Street**: "Queens Woman Hurt, Victim of Amnesia," *Daily Star, Queens Borough*, Jan. 24, 1930, 10.
- 600 unnoticed: "Woman Patient Found on Snowbank in Park," 48.
- **600 lying in a snowbank . . . in pain**: Ibid.
- **600 cuts and abrasions**: "Queens Woman Hurt, Victim of Amnesia," 10.
- **600 After overnight . . . mental institution**: "Woman Patient Found on Snowbank in Park," 48.
- **600 "critical point, due to":** "Wm. Fox Rejects All Overtures for Compromise—Civil Suits Started?" *Variety*, Jan. 8, 1930, 9.
- **601 2.8 million shares changed hands**: Untitled item, *NEN*, Jan. 21, 1930.
- **601 "I prefer stocks"**: T. R., "Notebook of a Tape Reader," *Investment News*, Jan. 24, 1930.
- 601 heard within a year: "Group to Subscribe to Fox Securities,"

- Journal of Commerce, Jan. 18, 1930.
- 601 "a pathetic old man": Transcript, 293.
- 601 adequate safeguards: Ibid., 487.
- 601 all his time, day and night: Albert M. Greenfield testimony, Trial transcript, Sept. 16, 1932, 210. Alfred C. Blumenthal vs. Albert M. Greenfield, et al., in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **601** "more faithfully and harder": Transcript, 462.
- **601 with Fox absent:** "Trustees Likely to Guide Affairs of Fox Concern," *New York Evening World*, Jan. 23, 1930.
- **601 twenty-five lawyers**: Nelson B. Bell, "Behind the Screens," *WP*, Jan. 25, 1930, 5.
- 601 Woolworth Building: Transcript, 481.
- **602 composed of Charles Evans Hughes . . . Lehman Brothers representative**: Bell, "Behind the Screens," Jan. 25, 1930, 5.
- **602 former U.S. solicitor general**: "John W. Davis, 81, Is Dead In South," *NYT*, Mar. 25, 1955, 24.
- **602 forty-five minutes late**: Transcript, 481, 483.
- **602 Wearing a dark suit . . . blue-and-maroon tie**: "Fox Won't Yield Control of His Film Interests," *New York Sun*, Jan. 23, 1930.
- **602 mumbling, chattering men**: Transcript, 481.
- **602 keep his voice down**: Ibid., 483.
- 602 Coleman was annoyed: Ibid.
- **602 Nervously puffing . . . brusquely**: "Fox Won't Yield Control of His Film Interests."
- **602 be a trustee . . . full power to appoint**: "Stocks Advance in Active Buying," *Wall Street News*, Jan. 24, 1930.
- **602 Flushed with anger . . . bespectacled:** Transcript, 486.
- **602** appoint a receiver for the Fox companies: Ibid., 484.
- 602 "I looked him": Ibid.
- 602 For half an hour: "Fox Won't Yield Control of His Film Interests."
- **602** he was entirely serious . . . too much integrity: Transcript, 484.
- **602** "No, you won't" . . . left the room: Ibid., 485.
- 602 "Like him or not": Bell, "Behind the Screens," Jan. 25, 1930, 5.
- **602 issue a "show cause" order**: "Fox Receiver Case Goes Over," *New York Morning Telegraph*, Jan. 23, 1930, 5.
- **603 high of 34 to close at 27**½: "Bears Lose Heavily as Fox Stock Soars," *NYT*, Jan. 24, 1930, 24.

- **603** "the most active stock": George L. Edmunds, "Buyers in Force, Shorts on Run," *Investment News*, Jan. 24, 1930.
- **603 494,800 shares . . . changed hands**: Ibid.
- **603 more than half the total outstanding**: "Bears Lose Heavily as Fox Stock Soars," 24.
- **603 one-sixth of the day's trading**: Edmunds, "Buyers in Force, Shorts on Run."
- **603 surgery ordered by her doctor**: Transcript, 402.
- **603 Before going . . . to the voting trust**: Ibid.
- 603 "I gave her my sacred word": Ibid.
- 603 "In the morning she was": Ibid.
- 603 "[S] he didn't care about": Ibid.
- **603** "rather have a receivership": "Fox Retains His Grip of Film, Theater Companies," *CDT*, Jan. 28, 1930, 29.
- **604 sent a sheriff's deputy**: "Fox Proposes to Resign for New Trustees," *Herald-Tribune*, Jan. 28, 1930.
- 604 \$342,158 debt within six days . . . auctioned off: Ibid.
- **604 Allegheny, Pennsylvania, stockholder . . . 100 shares**: "Fox Chiefs Ready to Quit to Save Company," *New York Morning Telegraph*, Jan. 28, 1930, 1.
- **604 repay AT&T and Halsey, Stuart in full, with interest**: "1929 Fox Earnings Double 1928 Figure," *WP*, Mar. 8, 1930, 3.
- **604** "What are they doing there?": Transcript of hearing before Judge Coleman, Feb. 11, 1930, 89, US-MSS, Box 24, File 4.
- **604 fifteen-year preferential financing**: "Fox Letter Hits Halsey, Stuart Co.," *NEN*, Feb. 27, 1930.
- **605 Coleman ordered a two-week hiatus**: "Court Grants Fox Financial Respite," *WP*, Jan. 29, 1930, 10.
- 605 no banks could execute . . . or take any property: Ibid.
- 605 considered the plan illegal: Alfred C. Blumenthal testimony,
 Trial transcript Sept. 16, 1932, 16. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **605 "was angry at me"**: Ibid., 111.
- 605 "never so angry": Ibid.
- **605 twelve wealthy parties headed by Halsey, Stuart and ERPI**: Ibid., 19.
- **605** very close to agreeing . . . on a price: Ibid.

- 605 tension between Blumenthal and Fox: Ibid., 20.
- 605 A second syndicate collapsed: Ibid., 19–20.
- 605 He contacted Harley Clarke: Ibid., 20.
- **606 pay him a \$500,000 commission**: Ibid., 21.
- 606 Blumenthal recruited Albert M. Greenfield: Ibid., 22.
- **606 to try to persuade Fox**: Robert T. McCracken statement, Trial transcript Sept. 16, 1932, 4. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- 606 didn't know the identity: Albert M. Greenfield testimony, Trial transcript, Sept. 16, 1932, 217, 219. Alfred C. Blumenthal vs. Albert M. Greenfield, et al., in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- 606 met with Blumenthal almost daily: Ibid., 215.
- 606 "every once in a while": Ibid.
- 606 "that Fox had a sentimental": Ibid.
- 606 "a clear vision": Transcript, 23.
- 606 "there is a Supreme God": Ibid.
- **607 three hours of arguments**: "Fox Receiver Waits Vote of Stockholders," *New York American*, Feb. 14, 1930.
- **607 disintegration . . . and complete destruction**: Fox Film Corporation to the Stockholders, Feb. 18, 1930, 11, 14, US-MSS.
- **608** "malicious falsehoods" . . . "in the effort to destroy": William Fox to the Stockholders, Feb. 20, 1930, 15, US-MSS.
- 608 "abetting and encouraging": Ibid., 18.
- **608** "the temerity": Ibid., 16.
- 608 "swoop down upon us": Ibid., 18.
- 608 "Could anything be more insincere?": Ibid.
- 608 "I am unwilling to desert": Ibid., 19.
- 608 "Above all things, do not let": Ibid., 20.
- **608 ERPI equipment . . . infringing**: FCC-ERPI, Part II, 490–91.
- 608 more than 80 percent: Ibid., 160.
- 609 If he cross-licenses . . . deliver the Fox companies' voting shares: Ibid., 493.
- 609 expressly excluded a cross license: Ibid.
- **609 most recent price . . . \$25 million**: William Fox to Upton Sinclair, Aug. 16, 1932, US-MSS.

- 609 "rejected by us": FCC-ERPI, Part II, 493.
- **609 accusing Fox of being wholly responsible**: "Halsey, Stuart Lay Bad Faith to Fox," *NYT*, Mar. 2, 1930, 27.
- 609 "Do not be frightened": Ibid.
- 609 "Mr. Fox's own selfish desires": Ibid.
- **609 "the many William Foxes"**: David A. Brown to William Fox, Feb. 24, 1930, 1, DABP.
- 609 "Please Will, don't throw": Ibid.
- **610 interview to the** *New York Morning World*: David A. Brown to William Fox, Feb. 26, 1930, 1, DABP.
- 610 "affirmatively and humanly": Ibid., 2.
- 610 audience of three to five million: Ibid.

CHAPTER 43: "WE WANT YOU, MR. FOX"

- **611 "most people want you, Mr. Fox"**: Unidentified stockholder statement, SMM, 58.
- **611 courteous affairs . . . "a very fine meeting"**: Transcript, 499–502.
- 611 four hundred to five hundred: "Fox Claims Film War Victory!"

 New York American, Mar. 6, 1930, 5; "Fox is Refused an
 Injunction," New York Sun, Mar. 5, 1930, 2.
- **611 forty-six lawyers** . . . "a pile of briefs": "Sidelights on Big 'Show' Staged by Fox Stockholders," *MPN*, Mar. 8, 1930, 33.
- **611 Throughout the building, twenty police officers**: "Fox Movie Battle A Draw On First Day," *NYT*, Mar. 6, 1930, 25.
- **611 former silent movie studio**: "Fox Film Groups in Battle Today in Movie Setting," *New York American*, Mar. 5, 1930, 1.
- **612 removing props and old equipment**: Ibid.
- **612 large red No Smoking signs:** C. C. Nicolet, "Fox Fighting Alone, Holds Control of Business with Over 600,000 Votes," *New York Telegram*, Mar. 5, 1930, 24.
- **612 Wearing a wrinkled**: "Sidelights on Big 'Show' Staged by Fox Stockholders," 33.
- **612 gray, three-piece suit with a white wool sweater**: Nicolet, "Fox Fighting Alone, Holds Control of Business with Over 600,000 Votes," 24; "Study of Film Magnate," *New York Evening Journal*, Mar. 6, 1930.
- 612 looked pale and worn out: Allan Reagan, "Fox Wins, 4 to 1,

- Voting Indicates," New York World, Mar. 6, 1930.
- **612 "lowly proxy holders"**: "Sidelights on Big 'Show' Staged by Fox Stockholders," 33.
- **612** press conference and handed out copies: "Halsey, Stuart Give Their Plan to Refinance Fox," *New York Telegram*, Mar. 4, 1930.
- 612 Bancamerica-Blair's \$59.15 million: SMM, 102.
- **612 immediate savings . . . \$11.05 million**: Ibid.
- 612 hundreds of other underwriters: Ibid., 138.
- **612 more than \$74 million**: This would be the cost to the public, including brokers' expenses (Peter Vischer, "Opposing Investors of Fox Seem Agreed to Avert Receivership," *EH-W*, Mar. 8, 1930, 19).
- 613 ad was scheduled to run: Transcript, 321.
- **613 five Fox senior executives**: "Financial Notice," *NYT*, Mar. 5, 1930, 38.
- **613 The other signers of the ad . . . Zanft**: Pierre de Rohan, "Fox Wins First Proxy Skirmish," *New York Morning Telegraph*, Mar. 6, 1930, 1.
- 613 "You didn't sign": Transcript, 321.
- **613 Yes, he had . . . to explain**: Ibid.
- 613 "I told him I wanted": Ibid.
- 613 never saw Zanft again: Ibid.
- **613 At 10:58 a.m., he rapped the gavel twice**: "Fox Modifies Refinance Plan to Meet Attack," *CDT*, Mar. 6, 1930, 28.
- **613 Poker faced . . . spoke briefly with Untermyer**: Nicolet, "Fox Fighting Alone, Holds Control of Business with Over 600,000 Votes," 24.
- **613 before the chatter in the room**: "Fox Modifies Refinance Plan to Meet Attack," 28.
- **613 a half-hour adjournment**: Nicolet, "Fox Fighting Alone, Holds Control of Business with Over 600,000 Votes," 24.
- **614 920,660 voting and nonvoting shares**: William Fox to Upton Sinclair, June 1, 1932, 2, US-MSS.
- **614 total 1,683,000 shares**: Pierre de Rohan, "Fox Wins Vote by Twenty to One," *New York Morning Telegraph*, Mar. 7, 1930, 1.
- **614 voting shares controlled appointments to the boards**: "Stockholders Stand by Wm. Fox in Refinancing Plan," *FD*, Mar. 6, 1930, 1, 7.

- **614 restraining Otterson and Stuart from voting**: "Fox Wins Tilt in Battle for Film Control," *New York American*, Mar. 2, 1930, 8.
- **614 "slug Fox for \$10 million"**: "Court to Decide Fox Case To-Day," *New York World*, Mar. 4, 1930.
- 614 "sordid beyond words": Ibid.
- 614 "I've seen all the idealism": Ibid.
- **615 plea for a permanent injunction**: "Declares Fox Sure to Win," *NEN*, Mar. 5, 1930.
- **615 "flagrant and unwarranted"**: "Victory for Fox Claimed While Vote Is Counted," *New York Herald-Tribune*, Mar. 6, 1930.
- **615 "Suffice it to state that the court"**: de Rohan, "Fox Wins First Proxy Skirmish," 12.
- **615** "of little acorns": "An Open Letter by Halsey, Stuart & Co., Inc., and Statement and Affidavit of Winfield R. Sheehan," Mar. 24, 1930, 16, HTC.
- 615 he had represented . . . getaway car driver: "Shapiro Names All But One of the Crew of Death Auto," *New York American*, July 20, 1912, 3; "Gunmen Elated, but Stories Fall," *NYTR*, Nov. 17, 1912, 6.
- **615 following year, with Tammany's backing**: "Party and City Business," *NYTR*, Nov. 8, 1913, 6.
- **615 evidence indicated ballot box tampering**: "Koenig Sees Reward for Republicans in Fusion," *NYTR*, Nov. 21, 1913, 6.
- 615 twelve election inspectors were subsequently indicted: "12 Vote Inspectors Indicted for Fraud," *NYT*, Mar. 15, 1924, 15.
- 615 dismiss parole violation charges . . . accepting Madden's unsubstantiated word: Samuel Untermyer, "Why Justice Aaron J. Levy Should Be Defeated for Re-Election to the Supreme Court," Speech at Hunts Point Palace, Bronx, NY, Oct. 20, 1937, 6–8. AMG.
- 615 Madden's own amazement . . . "would make a useful member": Ibid., 8–9.
- 616 "The sine qua non": Norman Thomas and Paul Blanshard, What's the Matter with New York: A National Problem (New York: Macmillan, 1932), 93–94.
- **616 partner in a dressmaking business**: Transcript, 512.
- **616 lowered the price accordingly**: Ibid.
- 616 despite a law prohibiting judges: Untermyer, "Why Justice

- Aaron J. Levy Should Be Defeated for Re-Election to the Supreme Court," 18.
- 616 wanted the original deal: Transcript, 320.
- 616 vowed to get revenge: Ibid.
- 616 find the Milgram brother . . . brother refused: Ibid., 512.
- 616 "I was in a daze": Ibid., 502.
- 617 "There were some nice ladies": Ibid., 504.
- 617 "ruffians and gangsters": Ibid., 502.
- 617 five other entrances: Ibid., 506.
- **617** his table was positioned . . . their associates: Ibid., 503.
- 617 signals to the crowd: Ibid.
- 617 unsure if he had enough energy: Ibid., 508.
- **617 Fox looked confident**: de Rohan, "Fox Wins First Proxy Skirmish," 1.
- **617 "smiling and calm"**: "Stockholders Stand by Wm. Fox in Refinancing Plan," 7.
- 617 "I would like to have you": William Fox statement, SMM, 47–48.
- **617** "packed to suffocation": Transcript, 505.
- **617 "Cheers, hisses, handclapping"**: "Fox Claims Film War Victory!" *New York American*, Mar. 6, 1930.
- 617 Fox and Untermyer pounded on the table: Ibid.
- 617 Arthur Berenson: "Fox's Holdings Sought by Banks to end threatened Finance Stalemate," *MPN*, Mar. 8, 1930, 11. *Exhibitors Herald-World* identified Berenson as Lawrence rather than Arthur (Vischer, "Opposing Investors of Fox Seem Agreed to Avert Receivership," 20).
- **617** "elaborate courtesy": Reagan, "Fox Wins, 4 to 1, Voting Indicates."
- **617** "Ladies and gentlemen": William Fox statement, SMM, 61–62.
- **617 "jeers, cheers and catcalls" . . . ten minutes**: "Fox Claims Film War Victory!"
- **617 standing on chairs and tables**: Reagan, "Fox Wins, 4 to 1, Voting Indicates."
- **617** "absolutely destructive": Arthur Berenson statement, SMM, 81.
- **618 bitterly attacked Fox's leadership**: "Fox Claims Film War Victory!"
- 618 only hope of salvation . . . "No! No!" . . . "Sit down!": SMM, 81.
- **618 recognized the next speaker**: Ibid., 83.

- **618** "All they need for": "Sidelights on Big 'Show' Staged by Fox Stockholders," 33.
- **618 around 3:00 p.m . . . their opponents**: Ibid., 32.
- 618 to buy Halsey, Stuart's entire issue: "Declares Fox Sure to Win."
- **618 cheering section was louder**: Vischer, "Opposing Investors of Fox Seem Agreed to Avert Receivership," 20.
- **618 "most people want you"**: Unidentified stockholder statement, SMM, 58.
- **619** proxies for **330,000** Fox Film shares: SMM, 131–132.
- **619** "Everything that I had" . . . "turned black": Transcript, 519.
- **619** "this vendetta" . . . "over the falls": Emory R. Buckner statement, SMM, 128.
- 619 Buckner pivoted: Ibid.,129.
- **619** "first, last" . . . for that plan: Ibid., 132.
- **619 proxies for another 300,000**: "Directors Back Fox's Plan," *Evening Journal*, Mar. 5, 1930.
- 619 So did Otterson and Stuart . . . inspectors ruled: SMM, 172.
- 619 564,577 had voted in favor: Exhibit "Q," Bill of Complaint, Mar. 11, 1930, 80–81, *William Fox v. H. L. Stuart, John E. Otterson, et al.*, in Equity 52-170, 1930. United States District Court, Southern District of New York. NARA-NYC.
- 619 So had 93,745 out of 94,805: SMM, 171-72.
- 620 All his troubles had ended: Transcript, 521.
- **620 Surely all the stockholders . . . \$65 million**: Ibid., 522.
- **620 "not by words but by actions":** William Fox statement, SMM, 181.
- 620 "I cannot promise you": Ibid., 183.

CHAPTER 44: DEFEAT

- **621 "Well, the old warhorse did it"**: Pierre de Rohan, "Fox Wins Vote by Twenty to One," *New York Morning Telegraph*, Mar. 7, 1930, 1.
- **621** "A new world . . . last long": Transcript, 523.
- **621 didn't have \$6 million**: William Fox testimony, SEPH, Part 8, at 3748.
- 621 only forty-five days: Ibid.
- **621 March 1 to April 15, 1930**: "Fox Film Corporation and Fox Theatres Corporation, An Open Letter by Halsey, Stuart & Co.

- and Statement and Affidavit of Winfield R. Sheehan," Mar. 24, 1930, 19, HTC.
- **621 6 percent interest . . . 10 percent . . . 87 percent**: William Fox testimony, SEPH, at 3748.
- 621 each subsequent forty-five-day: Ibid., 3749.
- **621 all \$20 million . . . also a \$40 million**: "An Open Letter by Halsey, Stuart & Co. and Statement and Affidavit of Winfield R. Sheehan," 19.
- **622 two bank presidents and . . . Bernard Baruch**: "Bankers to Settle Fox Receivership," *New York Journal of Commerce*, Jan. 28, 1930.
- **622 new treasurer**: Kuser family to Samuel Untermyer, Jan. 24, 1930, SDK-FFC.
- 622 production and technology: Ibid.
- **622** "hit and run plan": James P. Maher, "Bitter Fight Develops on Financing Plan for Fox Film Enterprise," *New York American*, Feb. 17, 1930.
- **622 guaranteed a fee from Fox of \$975,000**: "Bancamerica Offer Goes to Fox Directors," *CDT*, Apr. 2, 1930, 31.
- **622** In mid-March 1930: Albert M. Greenfield testimony, Trial transcript, Sept. 16, 1932, 219. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **622** If the price . . . consider selling: Ibid., 216.
- **622** "You will find it is Harley Clarke": Ibid., 219.
- 623 Yes, Blumenthal admitted: Ibid.
- **623 ought to make no difference . . . for the loss**: Ibid.
- 623 But it did matter: Ibid.
- **623 healthy profits of the Fox companies . . . financial void:** Transcript, 600.
- **623 1929 earnings statement . . . \$11.8 million**: "Compromise Seen Between Opposing Fox Bank Groups," *FD*, Mar. 9, 1930, 16.
- **623 40 percent increase over 1928**: "Fox Sales Increased 40 Per Cent Last Year," *FD*, Mar. 7, 1930, 1.
- 624 still had two years left: Transcript, 409.
- 624 Mayer, Thalberg, and Rubin shared 20 percent: Ibid.
- 624 "If these three men": Ibid., 410.
- **624 M-G-M triumvirate had no business...other studios**: Ibid.,

- 624 "they are surely not entitled": Ibid., 410-11.
- **624** That was what Charles M. Schwab . . . Riverside Drive mansion: Ibid., 409–410.
- 624 refused to go through: Ibid., 411.
- 625 strength had deteriorated: Ibid., 471.
- 625 hire additional counsel: Ibid.
- **625 director of either a bank or a telephone company**: Ibid., 472.
- **625 "you and your affairs"**: David A. Brown to William Fox, Mar. 14, 1930, DABP.
- 625 "Don't forget, Will": Ibid.
- 625 two days later . . . dissolve the December 3, 1929, voting trust: "Fox Trustees Charge Bias to U.S. Judge," *New York Herald Tribune*, Mar. 26, 1930.
- 625 main roadblock: "Bankers to Settle Fox Receivership."
- **625 trusteeship was still valid**: "Fox Film Groups Plan Long Fight," *New York World*, Mar. 8, 1930.
- **625 filed suit in federal court**: "Fox Starts New Suit to Defeat Cotrustees," *NEN*, Mar. 12, 1930.
- **626 On March 13... restrained Fox from proceeding**: "Fox Trustees Counter with New Legal Suit," *CDT*, Mar. 14, 1930, 22.
- **626 One week later . . . April 7, 1930**: "Fox Hearings Off Until April 7," *New York Morning Telegraph*, Mar. 21, 1930, 1.
- **626 contract with him would expire**: William Fox testimony, SEPH, Part 8, at 3773.
- **618 on that date, the annual meetings:** "Fox Plan Put Up to Stockholders," *New York World,* Feb. 14, 1930.
- **626 replace a majority of the companies' directors**: "Fox Film Groups Plan."
- **626 depose Fox . . . Halsey, Stuart refinancing**: "Stockholders Support Fox," *Evening Journal*, Mar. 6, 1930.
- 626 hired by AT&T to evaluate: FCC-ERPI, Part II, 494.
- **626 ERPI's in-house counsel George C. Pratt**: "Fox Film Groups Plan Long Fight."
- **626** "would prefer the wreck" . . . "avoiding receivership": FCC-ERPI, Part II, 494.
- 627 "It is desirable": Ibid.
- **627 "virtually eliminate him"**: Ibid.

- **627 forwarded Greene's letter to Otterson**: Ibid., 495.
- **627 turned down**: Ibid., 486.
- 627 would grant ERPI more favorable: Ibid., 495.
- 627 \$5 million one-year loan: Ibid., 486.
- **628 sued Fox to restrain . . . voting trust**: "Sheehan Says Fox Harming Own Interests," *MPN*, Mar. 29, 1930, 44.
- **628 press conference at the Savoy Plaza**: "Sheehan Breaks With William Fox," *New York Morning Telegraph*, Mar. 24, 1930, 1.
- 628 "I deeply regret": Ibid.
- **628** "as if these enterprises were his own": "Sheehan Sues Fox to Block Bancamerica Finance Plan," *New York World*, Mar. 24, 1930.
- **628 "jam his selfish plans"**: Ibid.
- **628 save the Fox companies \$13–\$31 million?**: "Sheehan's Declaration," *Variety*, Mar. 26, 1930, 7.
- **628** "side agreements" . . . Bancamerica-Blair bankers: "Sheehan Sues Fox to Block Bancamerica Finance Plan."
- **628** "**obstructive**," **isolated**, **unwilling to listen**: "Sheehan's Declaration," 7.
- 628 head of production in October 1925: Ibid., 5.
- **628** "I was the responsible general manager": Ibid.
- **628 "I have a more intimate knowledge"**: Ibid.
- 628 In 1925 . . . \$21.3 million: Ibid.
- **628 For 1929 . . . \$72 million**: Ibid.
- **629 earnest obligation"**: "Sheehan Says Fox Harming Own Interests," 44.
- **629 "A determined jaw":** "The Insiders' Outlook," *MPN*, Apr. 26, 1930, 14.
- **629 January 1928 acquisition . . . their theaters**: "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of March 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 15–16. HTC.
- **629 tremendous rise in income**: Ibid., 29.
- **629 "Power was his earthly god"**: Edwin C. Hill, "Mr. Sheehan, Genius Extraordinary," Chapter II, *The American Weekly*, Feb. 17, 1946, 20.
- 629 brought to Fox News in 1922: Ibid.
- 630 "I want to be the power": Ibid.

- **630 Sheehan had lost heavily . . . "from outward cheerfulness"**: Ibid., 21.
- **630 "had lifted him out"**: Ibid.
- **630 for the evening editions**: "Goes into Court Against Wm. Fox," *Variety*, Mar. 26, 1930, 5.
- **630 "wreck this great enterprise"**: "Fox Trustee Asks Coleman to Quit," *New York Evening Post*, Mar. 25, 1930.
- **630** "Mr. Sheehan . . . owes everything": "Fox Attacks Sheehan Suit," *New York Telegram*, Mar. 24, 1930, 1.
- **630 offer of \$33 million**: "Court Holds Up Fox Case Action," *New York Sun*, Mar. 24, 1930.
- 630 "I want the stockholders": "Fox Attacks Sheehan Suit," 1.
- **630 "treachery to me"**: "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 25, HTC.
- 630 Out of "fondness": Ibid.
- 630 "never had anything to do": Ibid., 14.
- 630 taught him the job: Ibid., 15.
- 630 other executives knew more: Ibid., 18.
- 630 "far more" to its prosperity: Ibid., 17.
- 630 "Vaulting ambition": Ibid., 25.
- **623** "selfish ambitions": "An Open Letter by Halsey, Stuart & Co. and Statement and Affidavit of Winfield R. Sheehan," 24. HTC.
- 631 "placed in peril": Ibid., 18.
- **631 March 25 . . . filed an affidavit of prejudice**: "Fox Trustee Asks Coleman to Quit."
- **631 asking the U.S. Circuit Court . . . receivership cases:** "Bias Charge by Bankers," *New York Telegraph*, Mar. 26, 1930, 1.
- **631 highly unusual . . . past thirty years**: "Judge Coleman Removed from Fox Cases," *New York Morning Telegraph*, Mar. 28, 1930, 1.
- **631 "personal bias and prejudice" . . . impartial hearing**: "Fox Trustee Asks Coleman to Quit."
- **631 John C. Knox . . . in his place**: "Judge Coleman Removed from Fox Cases," 1.
- **631 The next day . . . twelve questions**: Ibid.; "New Judge Takes Over Fox Federal Court Cases," *FD*, Mar. 28, 1930, 4.
- **631 What were the secret side agreements**: "Judge Coleman Removed from Fox Cases," 1.

- 631 "finest asset" . . . RKO: Ibid.
- 631 back salary of \$1 million: Ibid.
- **631 "The old spirit that has built"**: John F. Sinclair, "Rift in Fox Ranks Serious," *LAT*, Mar. 7, 1930, 16.
- **632 "Mr. Fox will then again be surrounded"**: "The Fox Mess," *HR*, Mar. 29, 1930, 52.
- **632** "when the men in the field": Fox's Appeal to You For Financial Aid," *HR*, Feb. 8, 1930, 21.
- **632 negotiations would begin**: "Fox Directors Turn Down Plan," *Wall Street News*, Feb. 19, 1930.
- **632 eleven complaints . . . set "foot":** "Complaint of Janet Gaynor," Feb. 28, 1930," Box 8, Opinions and Memoranda, 1929–1930, 209–11. Edwin P. Kilroe Papers, LOC, Manuscript Division.
- **632 did not get along with Sol Wurtzel**: "Sheehan Tact to Heal Breach of Gaynor with Fox," *MPN*, May 24, 1930, 77.
- **633 During a visit . . . Sundheim**: Transcript, 403.
- 633 He considered them worthless: Ibid., 402.
- 633 "There was a time during these sessions": Ibid., 402-3.
- 633 "Mrs. Fox was in the doorway": Ibid., 403-4.
- 633 swept his arm around the room: Ibid., 404.
- **633** "Now, you know" . . . "strip this home": Ibid.
- 633 Again, Eva was listening: Ibid.
- 633 "She again went into a frenzy": Ibid.
- **633** back to the eleven-dollar-a-month apartment: Ibid., 405.
- **633 began on March 28, 1930**: "Halsey-Stuart Win Fox Financing," *New York Morning Telegraph*, Apr. 2, 1930, 1.
- **633 "out of a clear sky"**: William Fox testimony, SEPH, Part 8, at 3773.
- **633 releasing him from his obligation**: Ibid.; "Halsey-Stuart Win Fox Financing," 1.
- **633 "That made me":** William Fox testimony, SEPH, Part 8, at 3773.
- **633 on Monday, March 31**: Ibid., 3774.
- 634 waiting outside for nearly an hour: Transcript, 488.
- 634 "You do all the talking" . . . watch the reactions: Ibid.
- 634 "As I came into the room": Ibid.
- 634 "like school boys in a contest": Ibid, 489.
- 634 He had no idea: Ibid.
- 634 contract extension until June 15: Ibid.

- 634 "There was dead silence": Ibid.
- **634** fifteen minutes answering . . . repeated his request: Ibid.
- **634 A Lehman Brothers' lawyer . . . another fifteen minutes**: Ibid.
- 634 "Not a sound out of": Ibid.
- **634** For the third time, Untermyer asked: Ibid.
- 634 Swaine replied with another question: Ibid., 490.
- 634 "I went over to Alvin Untermyer": Ibid.
- 635 "I wasn't guarding": Transcript, 552.
- 635 grand jury indictment . . . criminal conspiracy: Ibid.
- 635 "It wasn't a secret": Ibid.
- **635 Seven major lawsuits . . . without parallel**: "Litigation over Fox Properties Involves Seven Major Suits and Nineteen Lawyers," *NYT*, Apr. 6, 1930, N9.
- **635 Two days later . . . his mind**: William Fox to Upton Sinclair, July 13, 1932, 1, US-MSS; Transcript, 491.
- **635 he would sell his voting shares**: William Fox to Upton Sinclair, July 13, 1932, 1, US-MSS.

CHAPTER 45: THE END OF THE DREAM

- 636 On April 2 . . . Fox sent for Greenfield to help prepare: Transcript, 491.
- 636 Two days later . . . had the money: Albert M. Greenfield testimony, Trial transcript, Sept. 16, 1932, 224–25. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- 636 agreed to proceed right away: Ibid., 226.
- **636 next sixty hours**: Tom Pettey, "60 Hour Battle of Wills Before Fox Stepped Out," *CDT*, Apr. 9, 1930, 27.
- 636 at 10:00 a.m. on Saturday: Transcript, 491.
- **636 move locations several times**: Pettey, "60 Hour Battle of Wills Before Fox Stepped Out," 27.
- 636 out to dinner . . . Childs: Albert M. Greenfield testimony, Trial transcript, Sept. 16, 1932, 230. Alfred C. Blumenthal vs. Albert M. Greenfield, et al., in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **636 only Untermyer . . . change clothes**: Pettey, "60 Hour Battle of Wills Before Fox Stepped Out," 27.

- 636 "I have been in Mr. Fox's office": Courtland Smith testimony, Trial transcript, Sept. 16, 1932, 146. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **636 "Fox must make his own"**: Pettey, "60 Hour Battle of Wills Before Fox Stepped Out," *CDT*, 27.
- 636 "rather have his name": Ibid.
- 637 By 9:00 p.m. on Sunday . . . contract was finalized: Otto E. Koegel testimony, Trial transcript, Sept. 16, 1932, 154. Alfred C. Blumenthal vs. Albert M. Greenfield, et al., in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **637 Clarke . . . signed the contract**: Ibid., 154 and Albert M. Greenfield testimony in Ibid., 242.
- **637 night train back to Chicago**: Albert M. Greenfield testimony in Ibid., 242.
- 637 Around 11:00 p.m.: Ibid.
- 637 "until ten or fifteen minutes": Transcript, 558.
- 637 "I saw no haste": Ibid., 561.
- **637 shrugged . . . silently signed the contract**: Pettey, "60 Hour Battle of Wills Before Fox Stepped Out," 27.
- **637 \$15 million in cash**: Plaintiff's Exhibit No. 3, Trial transcript, Sept. 16, 1932, 59. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **637** As compensation . . . 6 percent interest: Ibid., 75–76.
- 637 remain on the board of directors: Ibid., 69.
- 637 wanted to, chairman of the board: Albert M. Greenfield testimony, Trial transcript, Sept. 16, 1932, 228. Alfred C. Blumenthal vs. Albert M. Greenfield, et al., in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **637 Clarke had come up with . . . advisory board**: Ibid., 229.
- **638 annual salary of \$500,000**: Plaintiff's Exhibit No. 3, Trial transcript, Sept. 16, 1932, 70. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **638 Tri-Ergon . . . royalty-free licenses**: Ibid., 61.

- **638** at least two years . . . Fox theaters: Ibid., 73.
- **638** at least one year . . . "William Fox presents": Ibid., 73–74.
- 638 Clarke would pay all: Transcript, 557.
- 638 had forced him to hire the lawyers: Ibid.
- **638 produce content . . . "home talker":** "Too Much Consideration in Wm. Fox's \$500,000 Contract—Fox Co. Must Pay," *Variety*, July 7, 1931, 4.
- 638 To Jack Leo . . . Sol Wurtzel: Plaintiff's Exhibit No. 3, Trial transcript, Sept. 16, 1932, 71–72. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **638 required that Fox Film**: Ibid., 71.
- **638 bonus of \$500,000**: George K. Watson statement, SEPH, Part 3, at 1093.
- **639 Fox had phoned Wurtzel . . . agreed**: Transcript, 427.
- 639 Wurtzel would return immediately: Ibid.
- **639 "Sol Dear, your loyalty":** In William Fox oversize photo file, MHL.
- 639 choose ten Fox employees . . . at salaries not less: Plaintiff's Exhibit No. 3, Trial transcript, Sept. 16, 1932, 73. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **639 receive his \$1 million fee**: Transcript, 557; W. B. Francis, "Fox Deals Disclosed," *LAT*, Nov. 22, 1933, 1.
- 639 make sure he got the money: Transcript, 557.
- **639 \$25 purchase price . . . ninety days**: Plaintiff's Exhibit No. 3, Trial transcript, Sept. 16, 1932, 72. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **639 Fox had insisted**: Jack G. Leo to Joel Swensen, Apr. 8, 1930, Fox Movietone News file, JSP.
- 639 "moral obligation": Plaintiff's Exhibit No. 3, Blumenthal v. Greenfield transcript, Sept. 16, 1932, 72. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **639 worth \$11 each**: "Financial," FD, Apr. 8, 1930, 2.
- **639 repurchase the same number of shares**: Jack G. Leo to Joel

- Swensen, Apr. 8, 1930, Fox Movietone News file, JSP.
- 639 "Mr. Fox is deeply appreciative": Ibid.
- **640 "I think it was most considerate"**: Joel Swensen to Jack G. Leo, Apr. 11, 1930, Fox Movietone News file, JSP.
- **640 "under conditions that Mr. Fox"**: "Syndicate Headed by H. L. Clarke," *St. Louis Globe Democrat*, Apr. 7, 1930.
- **640 paid in full, with interest . . . ample working capital**: "Fox Sells His Film Stock to Clarke Group," *CDT*, Apr. 7, 1930, 29.
- 640 "demonstrate the vision": "Syndicate Headed by H. L. Clarke."
- **640 at Untermyer's law offices . . . resigned**: "Fox Out of Films; Clarke Named Head of Vast Enterprise," *NYT*, Apr. 8, 1930, 1.
- **640 temporary board**: "Halsey, Stuart to Refinance Fox Interests," *Chicago Journal of Commerce*, Apr. 8, 1930.
- **641 "considerably ahead"... fundamental financial soundness:**"Fox Out of Films; Clarke Named Head of Vast Enterprise," 18.
- 641 shot up $9^{5/8}$. . . end the day at 48: Ibid.
- 641 rebounded, with heavy trading: Ibid.
- **641 closing price of \$11**: Ibid.
- **641 a high point for 1930**: "Curb Market Review," *WP*, Apr. 8, 1930, 17.
- **641 "Clarke is friendly"**: FCC-ERPI, Part II, 495.
- **641 "I was forced . . . under duress"**: William Fox testimony, SEPH, Part 8, at 3653.
- 641 "I had not any choice": Ibid.
- 641 "I did not want to see": Ibid.
- **641 "There was one thing that I felt certain"**: Transcript, 498–99.

CHAPTER 46: SORROW AND RAGE

- 645 "My reputation and everything": William Fox to the Stockholders of Fox Film Corporation and Fox Theatres Corporation, Apr. 8, 1930, in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 4, HTC.
- **645 he wept**: Victor Mansfield Shapiro oral history, Feb. 2, 1967, 429. Folder 9, Box 7, VMSP.
- **645 restrain him physically from jumping out**: Ibid.
- 645 "God knows which side is right": Transcript, 23.
- 645 "I probably said, 'Dear God'": Ibid., 24.

- 645 On April 8, 1930 . . . "as dispassionately": William Fox to the Stockholders of Fox Film Corporation and Fox Theatres Corporation, Apr. 8, 1930, in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 3, 13, HTC.
- 645 "sinister figure": Ibid., 3.
- 645 "maze of falsehoods": Ibid.
- 645 "ridiculously false": Ibid., 6.
- 645 "grossly misleading": Ibid., 9.
- 645 pretending to be "angels": Ibid., 5.
- 645 "inordinate conceit": "Answer to Sheehan Affidavit," in "Answer of William Fox to 'Open Letter' of Halsey, Stuart & Co. of Mar. 24, 1930 and to Statement and Affidavit of Winfield R. Sheehan," 17, HTC.
- 645 "beggar on horseback": Ibid., 15.
- 646 "every tie of decency": Ibid., 25.
- **646 on Saturday, April 12 . . . extended stay**: "Fox to Sail for South America," *New York Morning Telegraph*, Apr. 9, 1930, 1.
- **646 water cure in Germany**: "Breakdown of Wife's Health Prompted Fox to Sell 'B' Stock, Friends Declare," *MPN*, Apr. 12, 1930, 16.
- **646 Atlantic City for about seven weeks**: Nelson B. Bell, "Behind the Screens," *WP*, June 19, 1930, 9.
- **646 Telegrams sent . . . unanswered**: "No Units Dubbed Fox for William Via Clarke Deal," *MPN*, May 10, 1930, 13.
- **646 Returning to New York . . . June**: Bell, "Behind the Screens," June 19, 1930, 9.
- 646 "It is almost inconceivable": Ibid.
- **646 Fifty-five million dollars . . . Fox Film notes**: "Fox Film To Offer \$55,000,000 Notes," *NYT*, Apr. 30, 1930, 37.
- **646 underwritten by Halsey, Stuart**: Ferdinand Pecora statement, SEPH, Part 8, at 3649; Halsey, Stuart ad, *MPN*, May 3, 1930.
- **646 Chase Securities . . . brokerage houses**: "Says Financing Saved Fox Film," *WSJ*, Nov. 23, 1933, 10.
- **647 433,000 new shares of GTE**: Transcript, 570–72.
- **647 money would be repaid . . . \$27 million**: "Chase's Film Loss," *NYT*, Nov. 23, 1933.
- **647** "If it had not been for the Chase": "Chicago Banker Tells of Fight to Obtain Fox Film," *Cohoes American* (Cohoes, NY), Nov. 22,

- 647 On January 6, 1930 . . . personal real estate holdings:

 Committee Exhibit No. 175, Fox Film Corporation to Albert H.

 Wiggin, Jan. 6, 1930, SEPH, Part 8, at 3729–30.
- **647** "the indebtedness of the Fox Film": Committee Exhibit No. 179, A. J. Schmidlapp to William Fox, Jan. 8, 1930. SEPH, Part 8, at 3764.
- 647 its lawyers to take action: Ibid.
- **647 The next day, the Chase Bank . . . county clerk**: "Judgment Is Filed Against Fox Films," *WP*, Jan. 31, 1930, 4.
- **648 discounted anti-Semitism . . . failed to help**: Transcript, 313–14.
- **648 since the early 1920s**: "Financial Notes," *NYT*, Dec. 20, 1924, 24.
- **648 \$400 million worldwide holding company**: "H. L. Clarke Abroad to Add to Utilities," *NYT*, July 4, 1930, 26.
- **648 \$20 to \$65 within nine weeks**: "Says Fox Sold Film Holdings for \$15,000,000," *Baltimore Sun*, Nov. 22, 1933.
- **648 six private corporations**: Ferdinand Pecora, *Wall Street Under Oath*, *The Story of Our Modern Money Changers* (New York: Simon and Schuster, 1939), 147–49.
- 648 totaling \$11.8 million: Maury Klein, *Rainbow's End, The Crash of* 1929 (New York: Oxford University Press, 2001), 171. Most of Wiggin's trading was in Chase Bank stock, and between 1928 and 1932, he personally reaped more than \$10.4 million in profits from those transactions. By contrast, the Chase Securities subsidiary that fronted on the deals wound up with only a \$159,000 profit (Pecora, *Wall Street Under Oath*, 151–53).
- **648 also participated in the trading pools**: Klein, *Rainbow's End*, 171. **648 July 9 and September 18, 1929**: Ibid.
- **648 Shermar reaped nearly \$800,000**: "Senators Study Bankers' Fight For Fox Films," *WP*, Nov. 23, 1933, 2.
- **649 \$1 million settlement**: "Seligman Found Correct on Tax," *WSJ*, Nov. 29, 1933, 2.
- **649 "we have made mistakes"**: Albert H. Wiggin testimony, SEPH, Part 5, at 2281.
- **649 five directors . . . Murray W. Dodge**: "Says Fox Sold Film Holdings for \$15,000,000"; "H. L. Clarke to Head Theatres Equipment," *NYT*, July 15, 1929, 39; Murray W. Dodge

- testimony, SEPH, Part 7, at 3468.
- **649 world's largest corporation**: "World's Biggest Corporation," *Fortune*, Sept. 1930, 37.
- **649 \$4.25 billion in assets**: Ibid., 38.
- **649 20.1 million phones . . . 100,000**: Ibid., 39. The phone company owned 15.5 million phones and did business with connecting companies that owned another 4.5 million phones.
- **649 tightly regulated . . . unlimited profits**: Ibid., 39–40.
- **649 fire insurance company president:** "\$100,000,000 Fund for Fox Companies," *NYT*, Apr. 18, 1930, 1.
- **650 failed for \$12 million in 1923 and was suspended**: Ibid., "Oscar L. Gubelman, Banker 40 Years," *NYT*, Oct. 11, 1940, 21.
- **650 prominent stock market operator**: Ferdinand Pecora statement, SEPH, Part 8, at 3760.
- **650 Brush—"careful, cunning, smiling"**: Transcript, 611.
- 650 "tremendous" profits . . . rewarded with a Fox Film directorship: Ibid., 611–12.
- **650 Sheehan, usually stayed in Los Angeles**: William Fox testimony, SEPH, Part 8, at 3766.
- **650 Fox Theatres, new board members:** "\$100,000,000 Fund for Fox Companies," 1.
- **650 In state court . . . wrongful transfers of assets**: "Call Fox Financing 'Fraud' in Lawsuit," *NYT*, Apr. 22, 1930, 27.
- **650 In federal court**: "Minority Widens Fox Film Action," *NYT*, Apr. 26, 1930, 17.
- **650 Halsey, Stuart refinancing plan . . . without any explanation**: Ibid.
- **650 not really permanent financing**: Ibid.
- **650 Berensons received . . . Theatres**: "Will Subpoena Fox Records," *WSJ*, Nov. 25, 1933, 9.
- **650 Lazarus also withdrew**: "Act to End a Fox Suit," *NYT*, Apr. 30, 1930, 37.
- **650 Kresel . . . got \$50,000**: William Fox testimony, William Fox testimony, SEPH, Part 8, at 3753.
- **650 Hughes, Schurman & Dwight . . . \$500,000**: "Will Subpoena Fox Records," 9.
- **651 \$130,000** a **year under Fox**: "Fox Relates His Version of Film Control Battle," *CDT*, Apr. 13, 1930, 16.

- **651** new five-year contract . . . to \$500,000: Transcript, 229.
- **651 \$1.8 million, compared to the \$625,000**: Ibid.
- **651 around June 1930**: William Fox to Upton Sinclair, July 8, 1932, 6, US-MSS.
- 651 at \$150 a week: Ibid.
- 651 increased from \$52,000: Transcript, 426.
- **651 \$130,000 a year**: Winfield Sheehan to Sol Wurtzel, May 27, 1930, "Sol Wurtzel Contracts," FLC.
- **651 "pour the greatest amount of money":** "Five Year Pacts For Sheehan and 'Jimmy' Grainger," *MPN*, Apr. 26, 1930, 22.

CHAPTER 47: THE METER READER AND THE BANKER

- **652** "This marks the first time": Willard Howe, "Where Goes Fox Film Under Harley L. Clarke?" *Motion Picture Review and Theatre Management*, June 1930, 37.
- 652 forty-seven-year-old: Ibid., 9.
- 652 who met Clarke shortly after: Transcript, 599.
- **652 "This man is cold"**: Ibid., 602.
- **652 "Neither Clarke nor"**: Victor Mansfield Shapiro oral history, Feb. 2, 1967, 428. Folder 9, Box 7, VMSP.
- **653 only clean pictures . . . guaranteed to make money**: Howe, "Where Goes Fox Film Under Harley L. Clarke?" 37.
- 653 Ingagi . . . sensational business: "Hollywood Notes," Close Up, Sept. 1930, 219; "56 Ingagi Prints," Variety, Apr. 23, 1930, 10; "Ingagi's 31 Grand Shatters Record in K.C.," MPN, June 7, 1930, 132; "Ingagi Tops 'Em All in Oklahoma City, Does \$7,000," MPN, July 19, 1930, 36.
- **653 almost all its \$430,000**: Aubrey Solomon, *The Fox Film Corporation, 1915–1935: A History and Filmography* (Jefferson, NC: McFarland & Company, 2011), 155.
- 653 biggest hit of 1931: Ibid.
- 653 remakes and sequels proliferated: Ibid., 152.
- **654** \$868,000 cost and lost \$94,000: Ibid., 155.
- 654 "admitted antiquity": East Lynne review, FD, Nov. 1, 1925, 5.
- **654 spent \$734,000 and lost \$57,000**: Solomon, *The Fox Film Corporation, 1915–1935*, 149.
- **654** "It has no relation": East Lynne review, National Board of Review Magazine, Mar. 1931, 10.

- **654 virtually flawless**: *The Big Trail* review, *The International Photographer*, Nov. 1930, 43.
- **654 began filming on April 18, 1930**: William Crawford telegram to E. P. Kilroe, Apr. 17, 1930, in "*Big Trail* Correspondence," FLC.
- **654 total \$1.76 million**: Solomon, *The Fox Film Corporation, 1915–1935*, 148.
- **654 more than Fox Film had ever spent**: "Fox Expected to Make Films Abroad; Coast Convention Set; 48 in Line-Up," *MPN*, May 24, 1930, 99.
- **654 four months . . . seven western states**: "Filming *The Big Trail*," *NYT*, Oct. 26, 1930, X6.
- **654 ninety-three actors in important speaking**: "Raoul Walsh Selects a Novice to Play Lead in *The Big Trail*," *Hollywood Filmograph*, Apr. 26, 1930, 21.
- **654 20,000 extras . . . three bear cubs**: "*The Big Trail*—(Highlights)," 4, in "*Big Trail*, Story and Production," FLC.
- **654 Chinese Theatre . . . October 2, 1930**: Philip K. Scheuer, "New Hit Made By Wide Film," *LAT*, Oct. 5, 1930, B13.
- **655 at the Roxy . . . October 24, 1930**: Quinn Martin, "The New Films," *New York World*, Oct. 25, 1930. Quoted in Fox Film ad, *Variety*, Oct. 29, 1930, 42.
- **655 "most important picture"**: Fox Flm ad, *The Big Trail, EH-W*, Oct. 18, 1930, 13.
- 655 "a rich credit": Martin, "The New Films."
- **655** "a vivid record": Irene Thirer, "*The Big Trail* Roxy Victory," *New York Daily News*, Oct. 25, 1930. Quoted in Fox Film ad, *Variety*, Oct. 29, 1930, 42.
- **655 \$945,000 . . . losing more than \$1 million**: Solomon, *The Fox Film Corporation, 1915–1935*, 148–49.
- **655 theaters were in desperate straits**: James L. Limbacher, "How Old Is the Wide-Screen Idea?" *International Projectionist*, July 1956, 26.
- **655 spend a record \$200 million**: "Movies First in June," *Fortune*, July 1930, 107.
- **656 pay out \$5 million**: "A Huge Plant to Center in Combined Lot," *WP*, June 29, 1930, A3.
- **656 appropriated \$20 million**: "\$9,000,000 Spent by Fox on Improvement of Houses Since May," *EH-W*, Nov. 8, 1930, 15.

- 656 \$9 million had been spent: Ibid.
- **656 45 percent of the circuit**: "Making Dark Houses Pay," *Variety*, July 16, 1930, 3.
- **656 \$7,000–\$8,000 projectors**: "Talking Shop on Wide Film," *FD*, Feb. 23, 1930, 11.
- **656 new screen . . . projection booth**: Nelson B. Bell, "The Fader, It Appears, Is One of the Lesser Worries," *WP*, Sept. 29, 1929, A2.
- 656 only eighteen: "Making Dark Houses Pay," 3.
- **656 miniature golf courses, at a cost of \$25,000 each**: "Country Clubs Inside and Golf," *Variety*, July 16, 1930, 3.
- 657 threatened to file a receivership lawsuit: Otto E. Koegel testimony, Trial transcript, Sept. 16, 1932, 171. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania.

 NARA-PHI.
- 657 Fox was probably bluffing: Ibid.
- 657 might vindictively dump them: Third Circuit Court of Appeals, Opinion, Jan. 12, 1934, 4. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **657 \$2.8 million in GTE one-year notes**: Otto E. Koegel testimony, Trial transcript, Sept. 16, 1932, 172. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **657 Fox also hounded Clarke . . . company's books**: Transcript, 564.
- 657 \$500,000 without Fox's knowledge: Ibid.
- 657 phony 10 percent commission: Ibid., 566.
- **649 might drop the Grandeur format**: "Wide Film Declared Out," *Variety*, May 7, 1930, 5.
- **657 never make another Grandeur movie**: Limbacher, "How Old Is the Wide-Screen Idea?" 26.
- **658** "It would have given them the finest": Transcript, 168.
- **658 rather than raise John Wayne's salary**: John Tracy to Sol Wurtzel, Mar. 7, 1931; John Tracy to Harry Reinhardt, Mar. 10, 1931, "John Wayne Correspondence," FLC.
- **658 Ford too expensive at \$3,000**: "3 Directing Teams Replace John Ford At Fox—Drawing but Half His Salary," *Variety*, Nov. 3, 1931, 2.

- 658 six would-be directors . . . two writers: Ibid.
- **658 Bogart . . . with Victor McLaglen as a comedy act**: *A Devil with Women* review, *FD*, Oct. 19, 1930, 10.
- 658 "You know, Fox, I have enough": Transcript, 424–25.
- **658 summer of 1930 in Europe, negotiating**: "H. L. Clarke Abroad to Add to Utilities," *NYT*, July 4, 1930, 26.
- **659** "always a volatile tycoon": Allvine, *The Greatest Fox of Them All*, 142.
- 659 "[I] n the mornings, he used to": Ibid., 80.
- 659 late May 1930: Winfield R. Sheehan deposition, 5. *Florinda Gardner v. Fox Film Corporation*, in Equity, No. 10708, District Court of the United States, Northern District of Illinois, Eastern Division, "*Oregon Trail* Contracts 985," FLC.
- **659 "shrewd and able":** "Visits to the Great Studios," *New Movie Magazine*, Nov. 1930, 50.
- **659 without interest, in \$2,000 weekly installments**: Winfield Sheehan to Sol Wurtzel, July 10, 1930, "Sol Wurtzel Contracts," FLC.
- 659 Wurtzel was supposed to receive: Transcript, 426.
- **659 close the Western Avenue studio**: Howe, "Where Goes Fox Film Under Harley L. Clarke?" 37.
- **660 "guiding genius"**: "*The Big Trail*—(Highlights)," 7, in "*Big Trail*—Story and Production," FLC.
- 660 "finger has ever been": Ibid.
- **660 had nothing to do with the movie**: Winfield R. Sheehan deposition, 4, *Florinda Gardner v. Fox Film Corporation*.
- 660 never even spoken to director Raoul Walsh: Ibid., 6.
- 660 Sol Wurtzel, Sheehan now said: Ibid., 11.
- **660 standing next to Walsh**: Small prints folder from core production photo file of *The Big Trail* (1930), Caption title, "Film Executive on *The Big Trail*." MHL.
- 660 head of Fox Film's maintenance department: "Fox Films [sic] Sign Many New Contracts," Hollywood Filmograph, May 10, 1930, 18.
- **660 movie's business manager:** "*The Big Trail*—(Highlights)," 5. "*Big Trail*, Story and Production," FLC.
- **660 four hundred more tons of alfalfa hay**: "Statement of Mr. G. L. Bagnall," 9, 10. "*Oregon Trail* Contracts 985," FLC. (On p. 5 of

- the same statement, Bagnall says two hundred tons were undelivered, but at a price of \$18.50 per ton, the correct number must have been four hundred.)
- 660 Ben took the entire \$7,400: "Statement of Mr. Godfrey J. Fischer," 2. "Oregon Trail Contracts 985," FLC; "Statement of Mr. G. L. Bagnall," 10. "Oregon Trail Contracts 985," FLC.
- **660 how they could possibly eat so much**: "Statement of Mr. G. L. Bagnall," 5. "*Oregon Trail* Contracts 985," FLC.
- **660 "I had constructed this company"**: William Fox testimony, SEPH, Part 8, at 3776.
- **661 every theater . . . evaluated individually**: Transcript, 580.
- **661 only one board meeting for each company**: William Fox testimony, SEPH, Part 8, at 3775–76.
- **661 new regime was fully competent:** William Fox to Upton Sinclair, July 13, 1932, 3, US-MSS.
- 661 "No, they didn't need any advice": Transcript, 547.
- **661 "And I wrote many times"**: William Fox testimony, SEPH, Part 8, at 3777.
- **661 eight new sound stages**: "Biggest Fox Year Seen by Sheehan," *NY Morning Telegraph*, Apr. 16, 1930, 1.
- **661 all of which had to be ordered**: "A Huge Plant to Center in Combined Lot," A3.
- **661 forty Grandeur cameras from the J. M. Wall Machine**: "Fox's Order of 40 Grandeur Cameras," *Variety*, May 21, 1930, 11.
- **661 a GTE subsidiary**: "Gen'l Theatres Status Defined," *WSJ*, Mar. 2, 1932, 5.
- **661 three previously purchased Grandeur cameras**: Hal G. Evarts, "Log of *The Big Trail*," 22; "*Oregon Trail* Contracts 985," FLC.
- **661 had just built . . . largest such facility**: "Fox's Order of 40 Grandeur Cameras," 11.
- **662** \$7,000-\$8,000 apiece: "Talking Shop on Wide Film," 11.
- **662** new executive vice president . . . National Theater Supply: "Changes Are Made In Fox Executives," *WP*, May 9, 1930, 7.
- 662 Under Fox, no theater manager: Transcript, 577.
- 662 "It was all purchased": USPWF, 317.
- **662 theater managers became responsible**: Transcript, 577.
- 662 "One theater manager came to me": Ibid.
- 662 he would be fired: Ibid.

- **662** Consequently, although he had . . . "plus 15 percent": Ibid.
- **662** Fox Theatres executive . . . competitive bidding: Ibid., 601.
- **662 Clarke made him cancel . . . 15 percent markup**: Ibid.
- **662 none of them needed it**: William Fox to Upton Sinclair, July 9, 1932, 1, US-MSS.
- 662 "terrific" argument, Franklin said: Transcript, 659.
- **662 only \$65,000 . . . 10 percent profit participation**: "Warner, RKO Bids for Franklin Is Report; Arthur to Direct Fox Chains?" *MPN*, Sept. 27, 1930, 21.
- **663 Franklin had gotten that contract . . . Hayden, Stone**: Transcript, 658.
- **663 net profits of \$3.5 million**: "Warner, RKO Bids for Franklin Is Report," 21.
- **663 obliterated if Franklin spent**: Transcript, 659.
- **663 only if the expense didn't reduce**: William Fox to Upton Sinclair, July 9, 1932, US-MSS.
- **663 bought out . . . contract for \$500,000**: William Fox to Upton Sinclair, July 9, 1932, 1, US-MSS.
- **663 remaining seventeen months:** "Oldknow Directs West Coast As Harold B. Franklin Resign," *EH-W*, Sept. 27, 1930, 23.
- 663 "a most stupid" . . . "best executives": Ibid., 2.
- 663 went on to RKO: Transcript, 661.
- **663** "arrogant monopoly" . . . "much as ever": "Movie Stars Fight Fox Chain in West," *NYT*, Nov. 7, 1930, 32.
- **663 armories, and halls:** "Joe Schenck Opens Fight on Fox West Coast as 'Monopoly'," *EH-W*, Nov. 8, 1930, 17.
- 663 "old-time actors": "Fox Replies to Artists," NYT, Nov. 8, 1930, 20.
- 663 they sold out: Transcript, 573.
- **663 bought less than \$2 million**: "Details of Fox Financing Given," *WSJ*, Nov. 28, 1933, 9.
- **664 on sale on April 23, 1930**: "General Theatres Offers Debentures," *NYT*, Apr. 23, 1930, 39.
- **664 failed to buy much of the May 1930 offering of 433,000 new shares**: "Exchange Suspends Pynchon & Company," *NYT*, Apr. 25, 1931, 1.
- 664 one of the nation's largest financial houses: Ibid.
- **664 financial instability arising mainly from its GTE and Fox Film**: Ibid.

- **664 firm head George Pynchon . . . "left in the world"**: *USPWF*, 311.
- **664 Four days later, West & Co. . . . bankruptcy**: "Bankruptcy Petition Filed by West & Co.," *NYT*, Apr. 29, 1931, 37.
- **664 \$5 million in debt**: "West & Co. Suspend; Stocks Rally Later," *NYT*, Apr. 28, 1931, 1.
- **664 never be repaid the \$6 million**: Murray W. Dodge testimony, SEPH, Part 8, at 3799.
- **664 Clarke's office on April 8, 1930**: Ferdinand Pecora statement, SEPH Part 8, at 3647.
- **664 "on the end of a springboard"**: Committee Exhibit No. 158, SEPH, Part 7, at 3582.
- 664 "on a rampage to discover": Transcript, 585.
- 665 would not renew the \$55 million: Ibid.
- 665 prove he was legally obligated: FCC-ERPI, Part II, 497.
- 665 demanded "proper collateral": Ibid., 496.
- 665 November 14, 1930, he grudgingly signed: Ibid., 496.
- 665 competing directly with ERPI: Ibid.
- **665 net profits had been \$13.97 million**: Halsey, Stuart & Co. ad, *MPN*, May 3, 1930.
- **665 lowered the figure to \$10.74 million**: Fox Film Corporation Annual Report, 1929. Columbia University, Thomas J. Watson Library of Business and Economics.
- **666 on August 26, 1930 . . . balance sheet**: Transcript, 679.
- **666 \$7.175 million, compared to \$7.054 million**: "Clarke Says Fox Net Will Top '29 Rate," *Variety*, Sept. 24, 1930, 11.
- **666 from \$23.4 million to \$30.4 million**: "Fox Current Assets Grow 30 Per Cent In First Half Year," *EH-W*, Aug. 30, 1930, 20.
- 666 from \$2.5 million to nearly \$7.0 million: Ibid.
- **666 dividends might increase from \$4 to \$5**: Al Greason, "Advance Halts at Old Highs," *Variety*, Sept. 10, 1930, 11.
- **666 John W. Pope . . . to more than \$4 million**: "John W. Pope Dead; Youthful Financier," *NYT*, Nov. 22, 1931, 31.
- **666 classified them as extraordinary expenses**: William A. Gray statement, SEPH, Part 3, at 993.
- 666 in cents, not dollars: Ibid.
- 666 charges before the New York Stock Exchange: "Broker Called By Exchange Re Fox," *Variety*, Nov. 26, 1930, 5; "John W. Pope

- Dead; Youthful Financier," 31.
- **666 completely exonerated**: "John W. Pope Dead; Youthful Financier," 31.
- 666 \$10.25 million for 1930 . . . \$9.47 million: Fox Film Corporation Annual Report, 1930, 1. Columbia University, Thomas J. Watson Library of Business and Economics.
- **666 \$4.7 million . . . 1930's first quarter**: William Fox to Upton Sinclair, June 13, 1932, 1, US-MSS.
- **666 allocated only \$248,254...\$1.266 million**: Fox Film Corporation Annual Report, 1930, 1.
- 666 deduct large legal and financing expenses: Ibid.
- **666 historical chart . . . began in 1914**: Ibid., 2.
- 666 "with the hearty cooperation" . . . \$3 million: Ibid., 4.
- 667 increased by 27.7 percent: Ibid., 1.
- 667 too recent to show yet: Ibid., 4.
- **667 crossing out . . . loss of \$3.25 million**: "Revised Fox Theaters [*sic*] Statement Shows \$3,250,589 Loss for 1929," *FD*, July 3, 1931, 2.
- **667 \$2.66 million for 1929**: William Fox to Upton Sinclair, June 13, 1932, 2, US-MSS.
- **667 a loss for Fox Theatres of \$2.48 million**: "Revised Fox Theaters Statement."
- 667 net worth of \$63.65 million: Transcript, 682.
- 667 declined to \$51.378 million: Ibid.
- **667 operating deficit . . . \$2 million**: Ibid.
- 667 "It perhaps can be located": Ibid.
- 667 falling to \$1.1 billion from 1929's all-time high of \$1.3 billion: Harley L. Clarke testimony, SEPH, Part 8, at 3819.
- **667** By February 1931 . . . several other Chase executives: "Will Subpoena Fox Records," 9.
- **667** "evidently bent on getting control": Committee Exhibit No. 165, SEPH, Part 7, at 3618–19.
- **668 \$120,152, compared to nearly \$6.8 million**: "\$120,152 Fox Net for First Six Months," *MPH*, Oct. 10, 1931, 37.
- **668 pay off the note obligations**: Transcript, 586.
- 668 Now solely responsible: Ibid., 587.
- **668 Chase officials forced Clarke . . . St. Louis**: Harley L. Clarke testimony, SEPH, Part 8, at 3835.

- **668 second-quarter dividend of 62.5 cents**: "Fox Film Control Goes to New Board," *WP*, June 11, 1931, 11.
- **668 highly irregular . . . massive current debt**: Senator Couzens comment, SEPH, Part 8, at 3813.
- **668 nearly \$2.2 million in Fox Film dividends**: "\$120,152 Fox Net for First Six Months," 37.
- 668 lost more than \$1.3 million: Ibid.
- **668 "Penny wise and pound foolish": "**Fox Warns Against 'Economy Gloom'," *FD*, July 1, 1931, 1.
- **669 "No More Politics!" . . . "malicious" rumors**: "Financing Plans Will Not Alter Clarke's Status as Head of Fox," *MPH*, May 23, 1931, 9, 20.
- 669 "Let's hope that action isn't necessary": Ibid., 20.
- **669 "personal contact" . . . twenty people**: "Personal Contact Campaign Launched by Fox W. C. Houses," *FD*, Aug. 7, 1931, 1, 6.
- **669** "wholly inexperienced, incompetent": Transcript, 637.
- 669 "I decided to go beyond him": Ibid., 548.
- 669 He wrote to both: Ibid.
- 669 "Of no avail": Ibid.
- **669 stockholders meeting on June 10, 1931**: "Fox Off Film Board As Wiggin Is Named," *NYT*, June 11, 1931, 43.
- **669 fired Fox from the board**: "Wm. Fox Dropped from Directorate," *NEN*, June 11, 1931; "Fox Off Film Board As Wiggin Is Named," 43.
- 669 wasn't doing any work and wasn't fulfilling: "William Fox and His Relatives May Be Dropped Off Fox Film's Payroll; \$605,000 Yearly Salaries—No Work," *Variety*, June 16, 1931, 7.
- **669 "whisper-like" . . . "very good optic"**: "William Fox Doesn't 'Present' Any Longer," *MPD*, July 9, 1931, 1.
- 670 dropping the line of text entirely: Ibid.
- 670 eliminate Fox's name: Allvine, The Greatest Fox of Them All, 137.
- **670 Aldrich decided that GTE was a lost cause**: Harley Clarke testimony, SEPH, Part 8, at 3833–34.
- **670 third-quarter dividend . . . there wasn't**: "Organize to Guard Loan of \$30,000,000," *NYT*, Jan. 26, 1932, 33.
- **670 could not meet its interest obligations**: Herman G. Place testimony, SEPH, 8, at 3840.

- **670 fired Harley Clarke as president**: "E. R. Tinker Succeeding Clarke," *FD*, Nov. 17, 1931, 1.
- **670 Clarke . . . chairman of the board**: Herman G. Place testimony, SEPH, Part 8, at 3816.
- 670 "I left them the goose": Transcript, 576.
- **670 another . . . know-nothing**: Ibid., 634.
- **670 fifty-three-year-old**: Terry Ramsaye, "Tinker of Fox and Who and Why," *MPH*, Dec. 19, 1931,11.
- 670 Interstate Equities, an investment trust: Ibid., 12.
- **670 participated in the Fox companies' refinancing:** "Tinker Heads Fox; Clarke Chairman," *MPH*, Nov. 21, 1931, 14.
- **670 about thirty-five corporations**: Ramsaye, "Tinker of Fox and Who and Why," 12.
- 670 hadn't wanted the job: Transcript, 634.
- 670 only one acceptable to all parties: Ibid.
- **670 reputation for precision**: Ramsaye, "Tinker of Fox and Who and Why," 11.
- 670 seemed "very friendly": Transcript, 634.
- 670 as an outside consultant: Ibid., 635.
- **670 \$25 million . . . "nothing"**: Ibid.
- 671 "I frankly told Tinker": Ibid., 674.
- **671** He ought not . . . "gang of raiders": Ibid., 636.
- 671 "I would like to do this job": Ibid.
- **671 industries such as railroads and banks**: "Tinker Tells Studio Plans," *LAT*, Feb. 17, 1932, A1.
- **671 new business manager**: "Johnson Plans Suit on Fox Job Contract," *NYT*, Dec. 23, 1931, 29.
- **671 Donald E. McIntyre**: Allvine, *The Greatest Fox of Them All*, 92.
- **671 former Insull engineer**: Florabel Muir, "Add Tragedies of Wall Street: Winnie Sheehan," *News*, Jan. 11, 1932 (*New York Sun* morgue, NYPL).
- **671 seven high-level employment contracts**: "Fox Adjusts Contracts," *WSJ*, Feb. 16, 1932, 9.
- **671 contracts of Winnie Sheehan and Sol Wurtzel**: "Tinker Tells Studio Plans," A1.
- **671 down to \$4,500 a week**: "Sheehan Rumors on Coast Now Touch on 2nd Salary Cut and Dick Rowland," *Variety*, Dec. 22, 1931, 7.

- 671 highest-paid executive: Ibid.
- **671 recently hired Fox Film vice president**: "Rowland Leaves Paramount For Vice-Presidency at Fox," *FD*, Aug. 10, 1931, 1.
- **671 less than half of Sheehan's:** "Sheehan Rumors on Coast Now Touch on 2nd Salary Cut and Dick Rowland," 7.
- 671 "rest" somewhere in the Pasadena area: Ibid.
- **671 hotel in San Francisco**: "Fox Films [*sic*] Studio Head Furloughed," *LAT*, Jan. 12, 1932, A1.
- **671 except for a bad cold:** "Sheehan Rumors on Coast Now Touch on 2nd Salary Cut and Dick Rowland," 7.
- 671 return to work in early January 1932: Ibid.
- **671 three months' leave at half pay**: "Sheehan, Ill, Gets 3 Months' Leave," *NYT*, Jan. 12, 1932, 29.
- **671 "Sheehan sits punchdrunk"**: Muir, "Add Tragedies of Wall Street: Winnie Sheehan."
- **672 Sol Wurtzel . . . stripped of almost all**: "Sheehan Rumors on Coast Now Touch on 2nd Salary Cut and Dick Rowland," 7.
- **672 bought out . . . his contract for \$175,000**: Transcript, 427.
- **672 Tinker appointed Al Rockett . . . associate producer:** "Rockett Heads Fox Studios," *LAT*, Jan. 19, 1932, A6.
- **672 Three interlocking groups**: "Sheehan Last Word On Fox Prod.," *Variety*, July 5, 1932, 5.
- **672** "management board": "Kent Has Not Talked With Tinker; Fox Chief Returns From Studios," *MPH*, Feb. 27, 1932, 14.
- **672 "A board of directors cannot"**: Mollie Merrick, "Hollywood in Person," *LAT*, Feb. 18, 1932, A9.
- **672 February 29, 1932, General Theatres Equipment . . . receivership**: Harley Clarke testimony, SEPH, Part 8, at 3833.
- **672 \$22.3** million in notes coming due on March 15: "G.T.E. Receiver Named; Company To Reorganize," *FD*, Mar. 1, 1932, 6.
- **672 \$22.3 million . . . April 1 interest payment**: "Fox Holding Unit Put In Receivership," *NYT*, Mar. 1, 1932, 31.
- 672 only \$2,574 in cash: Ibid.
- **672 \$900 million from \$1.1 billion in 1930**: Harley L. Clarke testimony, SEPH, Part 8, at 3819.
- **672 whole industry was stupefied**: "The Fox Debacle," *HR*, Oct. 17, 1931, 168.

- 672 studio had lost \$4.3 million: Fox Film Corporation Annual Report, 1931, 8. Columbia University, Thomas J. Watson Library of Business and Economics; "\$4,263,557 Fox Loss in 1931; Cut in Capitalization Proposed," FD, Apr. 1, 1932, 1.
- **672 alleged \$10.25 million . . . in 1930**: "\$4,263,557 Fox Loss in 1931; Cut in Capitalization Proposed," 1.
- **672 revised to show a \$5.56 million loss**: "Refund to Fox Film President Told in Query," *WP*, Nov. 28, 1933, 3.
- **672 fallen by \$3.8 million**: "\$4,263,557 Fox Loss in 1931; Cut in Capitalization Proposed," 1.
- **672 \$9.61 million . . . to only \$1.95 million**: Ibid.
- 673 let Fox Theatres go into receivership: Transcript, 653.
- **673** "It gives you the chills": Ibid., 654–55.
- **673 loss of \$1.9 million . . . profit of \$975,000**: "Fox 13 Weeks' Loss Set as \$1,922,627.78," *New York Post*, May 31, 1932.
- 673 "I don't understand it": Transcript, 204.
- **673** "If the Chase Bank had gone to a wrecking company": Ibid., 638.

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- **674** "All is lost save memory": F. Scott Fitzgerald, "My Lost City," in *The Crack-Up* (New York: New Directions, 1945), 33.
- **674 worked on his investments**: "Try to Sort Out Fox Transactions," *New York Sun*, July 21, 1936.
- **674 "When you see him playing golf":** "Fox of Fox," *Fortune*, Apr. 1931, 90.
- **674 One Sunday afternoon**: David A. Brown to the Justice of the District Court of the United States, Philadelphia, PA, Apr. 9, 1941, 9, DABP.
- 674 January 1931: Transcript, 617.
- 674 meeting of about one hundred people: Ibid.
- 674 soup kitchen was about to close: Ibid.
- 674 first to speak up: Ibid., 618.
- 674 a check the next morning for \$25,000: Ibid.
- 674 six hundred people for the next ten weeks: Ibid.
- **674 pledged another \$3,000 . . . the following March**: "\$25,000 Fox Gift Aids Unemployed," *Woodmere-Hewlett Herald*, Jan. 29, 1931, 1.

- 674 "one of the most storming events": Ibid.
- **674 large custom-made organ**: "Huge Organ, Gift of Foxes, Feature of Temple Israel," *Woodmere-Hewlett Herald*, Feb. 12, 1931, 1.
- **674 Boy Scouts fund-raising**: "Scouts of Branch Join in \$100,000 Drive," *Woodmere-Hewlett Herald*, June 11, 1931, 1.
- 675 "I have had two years": Transcript, 154.
- 675 "[W] hat is the thing": Ibid.
- 675 Eva suggested he write: Ibid., 57
- **675** "a very likeable man": Salka Viertel, *The Kindness of Strangers* (New York: Holt, Rinehart and Winston, 1969), 137.
- **675 long time close friend of . . . Untermyer**: Oral History interview with Upton Sinclair (1962), 33, CCOHA.
- 675 Contacted first . . . Fox's secretary: USPWF, xi.
- **675 extended stay at Cottage Hospital's:** "William Fox Silent on Plans for Future," *LAT*, Mar. 9, 1932, A2.
- **675 clients such as Mae West**: "Mae, Don't Ruin Them Coives!" *LAT*, Sept. 26, 1933, 10.
- 675 limousine delivered Fox . . . Reass: USPWF, xi.
- **675 working on a novel . . . set it aside**: Oral History interview with Upton Sinclair, 213, CCOHA; Upton Sinclair, *The Autobiography of Upton Sinclair* (New York: Harcourt, Brace & World, 1962), 260.
- **675 Fox had offered \$25,000**: Oral History interview with Upton Sinclair, 213, CCOHA.
- **675 Two months earlier . . . avoid returning to Russia**: Marie Seton, *Sergei M. Eisenstein: A Biography* (New York: Grove Press, 1960), 230–31.
- 675 tug-of-war over the rights: Ibid., 231–33.
- **676 "Upton will write"**: Oral History interview with Upton Sinclair , 213, CCOHA.
- **676 spanned about six weeks**: Upton Sinclair to William Fox, May 3, 1944. US-MSS.
- **676 Three times a week**: Oral History interview with Upton Sinclair, 213, CCOHA.
- **676 light-blue or brown . . . trousers**: *USPWF*, 1.
- **676 limousine from Santa Barbara**: "William Fox and Zukor," *Variety*, May 10, 1932, 5.
- 676 around 10:00 a.m. . . . four hours: USPWF, xi.

- 676 in Sinclair's study: Ibid., 1.
- 676 walnut rocking chair . . . ten feet away: Ibid.
- **676 "a funny little old gentleman"**: Oral History interview with Upton Sinclair, 212, CCOHA.
- 676 "just like an errand boy": Ibid., 213.
- 676 had to hire two stenographers: Ibid.
- 676 rearrange the furniture . . . clenched his hands: USPWF, 7.
- 676 voice trembled: Ibid., 8.
- 676 "tired and stricken man": Ibid.
- 676 "spider's web": Transcript, 495.
- **676 brainwashing the American public**: Ibid., 468; William Fox to Upton Sinclair, June 13, 1932, 1–2, US-MSS.
- 676 manufacture educational movies . . . "be taught to salute": William Fox to Upton Sinclair, June 13, 1932, 1, US-MSS.
- 677 "I have no way of knowing": Transcript, 568.
- 677 "I do not know": Ibid.
- 677 "I don't know": Ibid.
- 677 "shyster lawyers": Ibid., 450.
- 677 "part and party" . . . Paramount to regain: Ibid., 622–23.
- 677 "These stockholders knew": Ibid., 590.
- **677 a "pig" and "a sow"**: Ibid., 387.
- 677 "this great Chief Justice": Ibid., 582-83.
- 677 "I was not quarreling": Ibid., 589.
- **678 "a person could be so stupid"**: William Fox testimony, SEPH, at 3711.
- 678 "I don't deserve any sympathy": Transcript, 179.
- 678 almost wished he had died: Ibid., 180.
- 678 "would have received message after message": Ibid.
- 679 "was the creator of all things": Ibid., 673.
- 679 "had fought for it": Ibid.
- 679 "really believes he was": Ibid.
- **679 would be torture**: Ibid., 675.
- 679 "the children of my brain": Ibid., 497.
- 679 "no sum of money": Ibid.
- **679** He hadn't expected . . . carry on: Ibid., 498.
- 679 "The doorway was about": Ibid., 554.
- **679** "There must be something more": Ibid., 473.
- 680 Once he broke down: USPWF, 8.

- 680 began sobbing . . . "had to walk up and down": Ibid.
- 680 "Here's how I feel": Transcript, 675.
- **680 train back to Fox Hall**: William Fox to Upton Sinclair, May 25, 1932, US-MSS.
- **680** "the thirty days I spent with you": William Fox to Upton Sinclair, July 13, 1932, 18, US-MSS.
- **680 examining stock market practices**: "Wall Street Inquiry By Senate Monday; Whitney Summoned," *NYT*, Apr. 9, 1932, 1.
- 680 "the most amusing and laughable": Transcript, 615.
- **680 let Sinclair offer him as a witness:** William Fox to Upton Sinclair, July 13, 1932, 17, US-MSS.
- **681 gangsters . . . bootleggers**: Ibid., 18.
- **681 crooked politicians**: "Judge Gets 6 Years for Liquor Bribes," *NYT*, May 3, 1927, 2.
- **681 reputation for "bullyragging"**: Oral History interview with Ferdinand Pecora (1962), 662. CCOHA.
- **681 "delighted," he told Gray**: William Fox to Upton Sinclair, July 13, 1932, 19, US-MSS.
- 681 "heaps and heaps of questions": Ibid., 20.
- **681 checking into the Mayflower Hotel**: "Fox May Miss Quiz On Stock By Senate," *WP*, June 20, 1932, 2.
- **681 about 3:00 a.m.**: William Fox to Upton Sinclair, July 13, 1932, 22, US-MSS.
- **681 didn't leave for five days**: "William Fox Quits Capital Despite Senate's Subpena [sic]," *WP*, June 21, 1932, 1.
- **681 alleging dizziness and abdominal pain**: Dr. F. A. Hornaday testimony, SEPH, Part 3, at 1015.
- 681 mental and emotional: Ibid.
- 681 tore him apart: "Charges Fox Ruined Firm," NEN, June 16, 1932.
- **681 "What is his origin?"**: Frederic C. Walcott statement, SEPH, Part 3, at 989.
- **681 "Is that the first name"**: James J. Couzens statement, SEPH, Part 3, at 989.
- **681 On June 21, 1932**: "Secret Stock Profit is Laid to Fox in Suit," *NYT*, June 22, 1932, 31.
- **681 Fox quietly checked out**: "William Fox Quits Capital Despite Senate's Subpena [sic]," 1.
- 681 sued Fox for \$5 million: "Fox Must Face Two Charges," Los

- Angeles Record, July 1, 1932. (William Fox Clipping File, MoMA.)
- **681 nine days later . . . \$10–\$15 million**: "Two Suits Filed Against Wm. Fox," *NEN*, July 1, 1932; "Film Company Sues Fox for \$10,000,000," *NYT*, July 1, 1932, 29.
- **681 mismanagement and malfeasance**: "Secret Stock Profit is Laid to Fox in Suit," 31; "Film Company Sues Fox for \$10,000,000," 29.
- **682 went into receivership:** "Fox Theatres Put in Receivers' Hands," *NYT*, June 23, 1932, 29.
- 682 debts of \$6 million and current assets: Ibid.
- **682** "blackjack suits": William Fox to Upton Sinclair, July 13, 1932, 13, US-MSS.
- **682 sued Fox for \$1 million**: "William Fox Sued for Million in Stock Deal," *CDT*, July 31, 1932, A7.
- **682 \$1 million personal guarantee**: William Fox to Upton Sinclair, July 13, 1932, 8, US-MSS.
- **682 on March 24, 1932 . . . \$410,190 installment**: "Trust Firm Sues Fox for \$1,000,000," *New York News*, July 31, 1932.
- **682 acquired the Roxy payment rights**: "William Fox Sued for Million in Stock Deal," A7.
- **682 indemnified him from all liability**: Plaintiff's Exhibit No. 3, Trial transcript, Sept. 16, 1932, 77–78. *Alfred C. Blumenthal vs. Albert M. Greenfield, et al.*, No. 6749 in Equity, in the District Court of the United States for the Eastern District of Pennsylvania. NARA-PHL.
- **682 deliberately mismanaged . . . dummy fronting for it**: William Fox to Upton Sinclair, July 13, 1932, 8–9, US-MSS.
- **682 knew he would be held liable**: "Fox Wins Point in Suit Over Theater Deals," *CDT*, Oct. 27, 1934, 23.
- 682 On June 30, 1932: "Two Suits Filed Against Wm. Fox."
- 682 lawsuit asking for \$250,000: "Fox Must Face Two Charges."
- **682** his \$250-a-week job at Fox Film . . . three months: Aaron Fox deposition, July 26, 1932, 3–4, F-F.
- **682 fell into stock market debt**: Ibid., 3.
- **683 "barrage of shocking and repulsive"**: Alice Fox deposition, May 2, 1932, 13. F-F.
- **683 repeatedly threatened to kill her**: Ibid., 6.

- **683 "not one solitary cent"**: Alice Fox deposition, Aug. 1, 1932, 2. F-F.
- **683 were now destitute**: "Film Company Sues Fox for \$10,000,000," 29.
- **683 since January 7, 1932**: Aaron Fox deposition, July 26, 1932, 12, F-F.
- **683 because he was jealous . . . to prevent Aaron from testifying:** "Two Suits Filed Against Wm. Fox."
- **683 removed Aaron as a source of support**: Alice Fox deposition, Aug. 1, 1932, 8, F-F.
- **683 "unprincipled" and "despotic"**: Ibid., 7.
- **683 \$1,480 in September 1932**: "Interrogatories administered to William Fox," Oct. 3, 1935, 3, F-F.
- 683 paid \$60 a week: Ibid., 4.
- **683 withdrew her lawsuit**: "Newspaper Specials," *WSJ*, Nov. 16, 1932, 3.
- **683 suing . . . for \$206,000, alleging negligence**: "Jury Rejects \$50,000 Suit in Fox Crash," *BDE*, June 3, 1932, 3.
- **683 suffered a heart attack**: Ed Sullivan, "Ed Sullivan Sees Broadway," *New York Graphic*, June 16, 1932, 23.
- **683** "frantically applying" . . . when he died: Ibid.
- $683\ "never so\ impressed\ \dots\ everything\ that\ night":$ Ibid.
- **684 \$15,000 due upon completion**: Upton Sinclair to William Fox, Mar. 30, 1932, 2, US-MSS.
- **684 complete copy approval**: Ibid., 1.
- **684 sent two copies of the first quarter**: Upton Sinclair to William Fox, May 27, 1932, US-MSS.
- **684 working on it night and day . . . right track**: Ibid.
- **684 "Mrs. Fox and I would rather"**: William Fox to Upton Sinclair, June 3, 1932, US-MSS.
- **684 without feedback, he hesitated**: Upton Sinclair to William Fox, June 6, 1932, US-MSS.
- **684 twenty-five pages long**: William Fox to Upton Sinclair, July 13, 1932, US-MSS.
- **684 July 18, 1932 . . . complete manuscript**: Upton Sinclair to William Fox, Feb. 13, 1933, 1, US-MSS.
- **684 "I am troubled"**: Upton Sinclair to William Fox, Aug. 6, 1932, US-MSS.

- **684** "Are you ill?": Upton Sinclair telegram to William Fox, Aug. 8, 1932, US-MSS.
- **684 "corrections"... to "materially reduce"**: William Fox to Upton Sinclair, Aug. 16, 1932, US-MSS.
- **685 responsible for finding a publisher**: Upton Sinclair to William Fox, Mar. 30, 1932, 1. US-MSS.
- **685 print several early chapters**: Upton Sinclair to William Fox, Aug. 15, 1932, US-MSS.
- 685 AT&T was one of their principal advertisers: Ibid.
- 685 urged Fox to accept . . . attract a book publisher: Ibid.
- **685** "I see no value in this": William Fox to Upton Sinclair, Aug. 20, 1932, US-MSS.
- **685 a hopeless cause**: Upton Sinclair to William Fox, Aug. 24, 1932, US-MSS.
- **685 tried anyway . . . rejected**: William Fox to Upton Sinclair, Aug. 29, 1932, with postscript dated Sept. 2, 1932, US-MSS.
- **685 until after November 15, 1932**: Upton Sinclair to William Fox, Mar. 30, 1932, US-MSS.
- **685 didn't want to hurt Hoover's chances**: Upton Sinclair to William Fox, May 20, 1932, US-MSS.
- **685 insincere, glad-handing politician**: Sinclair manuscript, 26–2. File 16, Box 25, US-MSS.
- **685 Hoover had done "everything possible"**: Transcript, 475.
- **685 "your story is getting colder":** Upton Sinclair to William Fox, May 20, 1932, US-MSS.
- **685 Fox held firm:** William Fox to Upton Sinclair, May 31, 1932, US-MSS.
- **686 publishing company, Farrar & Rinehart**: Upton Sinclair to William Fox, Aug. 3, 1932, US-MSS.
- **686 willing to wait until mid-November**: Upton Sinclair to William Fox, Feb. 13, 1933, US-MSS.
- **686 refused to sign . . . indemnification**: Upton Sinclair to William Fox, Aug. 25, 1932, 1, US-MSS.
- **686 just have lawyers review**: Ibid., 2.
- 686 "Every lawyer will tell you": Ibid.
- 686 "The plain truth is": Ibid., 3.
- **686 "a very wonderful book"**: William Fox to Upton Sinclair, Aug. 29, 1932, 3, US-MSS.

- **686 first 121 pages**: Upton Sinclair to William Fox, Sept. 15, 1932, 1, US-MSS.
- **686 Gone were all . . . religious beliefs**: Ibid.
- **686 colorful mispronunciation and tart language**: Upton Sinclair to William Fox, Sept. 17, 1932, 1–2, US-MSS.
- **686 in "store clothes"**: Upton Sinclair to William Fox, Sept. 15, 1932, 3, US-MSS.
- 686 "Please do not let Mrs. Fox": Ibid., 1.
- **686 "Surely you don't want me"**: Upton Sinclair to William Fox, Sept. 17, 1932, 2, US-MSS.
- **686 sully his literary reputation . . . "trash"**: Ibid., 2–3.
- **687 Eva wrote . . . Fox was ill:** Upton Sinclair to William Fox, Feb. 13, 1933, 1, US-MSS.
- **687 Sinclair doubted that**: Upton Sinclair to Ernest Greene, Jan. 26, 1933, 2, EG-MSS.
- **687 for only \$5,000**: William Fox telegram to Upton Sinclair, Dec. 21, 1934, US-MSS.
- **687 sent another \$5,000**: Ibid.
- **687 Sinclair learned through several sources**: Sinclair, *The Autobiography of Upton Sinclair*, 261.
- **687 to sue about 113 people**: William Fox to Upton Sinclair, July 13, 1932, 14–15. US-MSS.
- **687 including all the directors . . . Chase Securities**: Ibid., 9.
- **687 coerce a financial settlement**: Oral History interview with Upton Sinclair (1962), 214, CCOHA.
- **687 "would not under any circumstances"**: Upton Sinclair to William Fox, Feb. 13, 1933, 1, US-MSS.
- 687 "fully determined": Ibid.
- 687 he hadn't answered any: Ibid., 3.
- **687 giving him one last chance**: Upton Sinclair to William Fox, Jan. 13, 1933. US-MSS.
- **687 had finally sold his six old . . . buildings**: "Rockefeller Buys Last Lots for Site," *NYT*, Dec. 9, 1931, 23.
- **687 for about \$825,000**: "Wm. Fox's Profit of \$500,000," *Variety*, Dec. 13, 1932, 7.
- **687** "I didn't say a word": Oral History interview with Upton Sinclair (1962), 214, CCOHA.
- 687 ordered ten thousand copies: Upton Sinclair to Ernest Greene,

- Jan. 26, 1933, EG-MSS.
- **687 Fox's choice for a title**: Sinclair, *The Autobiography of Upton Sinclair*, 260–61; Transcript, 535.
- **687 ads to the trade and . . . subscribers**: Oral History interview with Upton Sinclair Oral History (1962), 214, CCOHA.
- **688** "fly off the handle": Upton Sinclair to Ernest Greene, Jan. 26, 1933, EG-MSS.
- **688** "Watch the newspapers carefully": Ibid.
- **688 "it was my public duty"**: Upton Sinclair letter to William Fox, Feb. 13, 1933, 2, US-MSS.
- **688** "a perfectly frantic telegram" . . . "went ahead": Oral History interview with Upton Sinclair (1962), 214–15, CCOHA.
- **688** "It should go forth" . . . "This will look good": Upton Sinclair to Ernest Greene, Feb. 19, 1933. EG-MSS.
- **688** "an extraordinarily valuable document": Upton Sinclair to Ernest Greene, Mar. 9, 1933, EG-MSS.
- **688 "Am somewhat appalled":** Margaret Sherry Rich e-mail to author, Dec. 21, 2005.
- **688** "one of the most important": John T. Flynn, "They Done Him Wrong," *The Nation*, Mar. 15, 1933, 291.
- **688 "tremendously exciting"**: Herschel Brickell, "The Literary Landscape," *The North American Review*, June 1933.
- **688 might get the Nobel Prize**: Kyle Crichton, "Contents Noted," *Life*, Apr. 1933, 6.
- **688** "one-man control gone wild": Edward Kennedy, "Presenting Mr. Fox," *Saturday Review of Literature*, Mar. 11, 1933, 475.
- **688 Mencken's** *American Mercury*: Mencken resigned in December 1933.
- **688 "enraptured booboisie"**: "A Hollywood Martyr," *American Mercury*, June 1933, 253.
- 688 "villains in plug hats": Ibid., 254.
- **689 management posted a notice . . . fired immediately**: Oral History interview with Upton Sinclair (1962), 216, CCOHA.
- **689 rest of the country ignored**: Upton Sinclair to William Fox, Feb. 26, 1933, handwritten draft, 1, US-MSS.
- 689 ask him to pay for full-page ads: Ibid.
- **689 could use the last \$5,000**: Ibid., 2.
- **689 published the book on credit . . . months to arrive**: Ibid., 1.

- **689 promised to keep quiet . . . "You can trust me"**: Ibid., 2.
- **689 "very nice" telegram**: Upton Sinclair to Ernest Greene, Mar. 9, 1933, EG-MSS.
- **689** "a tremendous sensation": Oral History interview with Upton Sinclair (1962), 216, CCOHA.
- **689 sold fifty thousand copies**: Sinclair, *The Autobiography of Upton Sinclair*, 261.
- **689 newspapers ignoring it**: Upton Sinclair to William Fox, Feb. 26, 1933, handwritten draft, 1, US-MSS.
- **689 prospects looked similarly dismal**: Upton Sinclair to Ernest Greene, Mar. 23, 1933, EG-MSS.
- **689 buy five or ten . . . list of stockholders**: Upton Sinclair to Ernest Greene, May 1, 1933, EG-MSS.
- **689 abandoned that idea**: Upton Sinclair to Ernest Greene, May 10, 1933, EG-MSS.
- **689 return hundreds of unsold books**: Upton Sinclair to Ernest Greene, May 2, 1933, EG-MSS.
- **689 the last \$5,000 of Sinclair's fee**: William Fox telegram to Upton Sinclair, Dec. 21, 1934, US-MSS.
- **689 late August 1931 . . . unnamed film actress**: "Fox Heiress Files Suit for Divorce," *LAT*, Sept. 3, 1931, 2.
- **690 speeding taxi...smashed into the car**: "William Fox's Daughter Hurt," *New York American*, Oct. 4, 1932.
- **690 suffered deep cuts . . . an hour**: Ibid.
- **690 Plastic surgery repaired**: Ibid.
- **690 second marriage . . . forty-five**: "Joseph Riskin Weds Miss M. Fox Today," *NYT*, Apr. 14, 1933, 22.
- **690 long waiting list at the Congressional Library**: Brooks Fletcher to Upton Sinclair, Apr. 28, 1933, Box 492, RSP.
- **690 two hundred of them:** Upton Sinclair to Ernest Greene, May 2, 1933, EG-MSS.
- 690 "all right for gifts": Ibid.
- **690 each member of the House and Senate**: Handwritten note by Upton Sinclair on Brooks Fletcher letter, Apr. 28, 1933, Box 492, RSP.
- **690 former New York assistant district attorney . . . financial crime cases**: "Pecora Appointed For Stock Inquiry," *NYT*, Jan. 25, 1933, 23.

- **691 as of February 27, 1933**: Opinion, U.S. District Court for the District of Oregon, Apr. 27, 1936, "Fox West Coast Theatres Bankruptcy #3345," FLC.
- **691 loaned a staggering \$89.3 million**: "Chase's Film Loss Put at \$69,572,180," *NYT*, Nov. 23, 1933, 18; "Says Financing Saved Fox Film," *WSJ*, Nov. 23, 1933, 10.
- **691 \$69.6 million as a total loss**: "Says Financing Saved Fox Film," 10.
- **691 Thursday morning, November 23, 1933 . . . chamber**: Martin Quigley, "William Fox Stages Own Drama Before Senate Banking Inquiry," *MPH*, Dec. 2, 1933, 15.
- **691 "He seemed so full"**: Oral History with Ferdinand Pecora (1962), 799p. CCOHA.
- 691 "He was very articulate": Ibid.
- **691 That day and the next**: Nathan Robertson, "Fox Tells Senate Probers of Fall of His Movie Empire," *Niagara Falls Gazette* (Niagara Falls, NY), Nov. 24, 1933.
- **691 Wearing glasses**: "G.O.P. Chiefs In Film Fight, Fox Asserts," *WP*, Nov. 24, 1933, 1.
- **691 smoking a cigar**: "Fox Relates Story of Bank Conspiracy," *SFC*, Nov. 24, 1933.
- **691 gesturing expressively:** "G.O.P. Chiefs In Film Fight, Fox Asserts," 1.
- **691 often speaking rapidly**: "Fox Relates Story of Bank Conspiracy."
- 691 made wisecracks: Ibid.
- **691 drew hearty laughter . . . spectators**: "Fox Relates Story of Bank Conspiracy."
- **691 frowned and looked worried**: "G.O.P. Chiefs In Film Fight, Fox Asserts," 1.
- 691 "unseen hands" and "cataclysms": Ibid.
- **691 "I am not foolish enough"**: William Fox testimony, SEPH, Part 8, at 3753.
- 691 "I mean, what can anyone know": Ibid., 3693.
- **691 tears streamed**:, Arthur Hachten, "Fox Tells How Hoover Aid Was Asked in 'Jam'," *Washington Herald*, Nov. 24, 1933.
- **691 "I am sorry that I raised"**: William Fox testimony, SEPH, Part 8, at 3767.
- 692 "I am not here to press": Ibid., 3689.

- **692** "If you want the truth": Ibid., 3694.
- 692 "You have been very nice": Ibid., 3693.
- 692 "If I were to die tomorrow": Ibid., 3694.
- **692 glared at Clarke . . . few feet away**: "Banks Forced Film Unit Sale, Fox's Charge," *NY Herald Tribune*, Nov. 24, 1933.
- **692 noon recess . . . leave the witness chair**: "Fox Charges Conspiracy Forced Him to Sell Out," *St. Louis Post-Dispatch*, Nov. 23, 1933.
- **692 in a low voice**: "Fox Says He Saw Hoover on Merger," *New York Journal*, Nov. 23, 1933.
- **692 correct Fox on certain points**: "Fox Charges Conspiracy Forced Him to Sell Out."
- **692 "You gave me the greatest runaround"**: "Fox Says He Was Forced to Quit," *WSJ*, Nov. 24, 1933, 5.

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- **693 twenty-three Tri-Ergon patents**: James J. Finn, "The Industry Re-Discovers Mr. Fox and Tri-Ergon," *International Projectionist*, Oct. 1934, 7.
- **693 in almost all**: "WB-ERPI Settlement Forerunner to AT&T's 100% Bow-Out from Pix?" *Variety*, June 26, 1934, 4, 35.
- **693 U.S. Patent Office on May 21, 1929**: American Tri-Ergon Corporation ad, *FD*, Nov. 27, 1931, 7.
- 693 distortion . . . projector's sound head: "Opinion," June 13, 1934, 3–7, Cases 971E and 972E, Altoona Publix Theatres, Inc. v. American Tri-Ergon Corporation, et al. and Wilmer & Vincent, et al., v. American Tri-Ergon Corporation, et al. United States Circuit Court of Appeals, Third Circuit. NARA-PHL.
- **694 September 29, 1931 . . . double print**: American Tri-Ergon Corporation ad, *FD*, Nov. 27, 1931, 7.
- **694 separate sound and picture negatives**: "Supreme Court Halts Fox Tri-Ergon Attack," *MPH*, Nov. 10, 1934, 9–10.
- **694 life span of seventeen years**: "Fox, One-Time Film King, May Regain Crown," *BDE*, Nov. 27, 1932, 10A.
- **694 late November . . . share of their profits**: American Tri-Ergon ad, *MPH*, Nov. 28, 1931; *FD*, Nov. 27, 1931; *Variety*, Dec. 1, 1931.
- **694 free Tri-Ergon licenses**: Transcript, 549.
- 694 Fox wouldn't get anywhere: "Patents Combine War Veterans

- Defy Tri-Ergon," FD, Dec. 2, 1931, 1.
- 694 indemnified all: FCC-ERPI, Part II, 196.
- **694 AT&T and RCA had cross-licensed**: Borkin, *The Corrupt Judge*, 104.
- **695 "That's where our investigators":** "Statement of William Fox" (Part 3), Mar. 22, 1941, 6. Box 15, 118 Files, US-DKF
- **695 best-educated judges . . . Leipzig**: "Fox Is Expected to Take Stand Against Davis," *PEB*, Mar. 29, 1941.
- **695 studies in history and philosophy**: "Murphy Explains Davis Retirement," *NYT*, Apr. 22, 1939.
- **695 "I cherish and reciprocate"**: J. Warren Davis to Albert M. Greenfield, Sept. 15, 1927, AMG.
- **695 owed at least \$100,000**: Walter H. Gahagan, Jr., statements, Trial transcript, Aug. 14, 1941, at 2150–51. US-DK.
- **696** "I wish that I could": Government's Exhibit 110, Trial transcript, Aug. 14, 1941, at 2148–49. US-DK.
- **696 considered unqualified even to assist**: "Ex-Judge Davis Accused of Six Crooked Rulings," *Philadelphia Record*, Oct. 20, 1943, 1.
- **696 Ward, Crosby & Neal**: William Fox testimony, Trial transcript, May 20, 1941, at 297. US-DK.
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- **697 Eastern District . . . conducting the defense**: Borkin, *The Corrupt Judge*, 104–5.
- 697 Campbell invalidated Fox's double-print patent: "Supreme Court Halts Fox Tri-Ergon Attack," 9; "William Fox Loses Second Round in Fight for Sound Royalties," *MPH*, Aug. 19, 1933, 29; "Fox, One-Time Film King, May Regain Crown," 10A.
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- **697 double-print patent was valid . . . damages**: "William Fox Wins Point in Tri-Ergon-Para. Suit," *Hollywood Reporter*, June 5, 1934, 1.
- **698 October 8, 1934 . . . Court denied**: Decree on Mandate, Oct. 23, 1934, 1. ATE-APT.
- **698 "Film Boys in Jitters"**: "Film Boys in Jitters," *New York Telegraph*, Oct. [date unclear] 1934. (William Fox clipping file, FSC.)
- 698 "virtually the sole dictator": Ibid.
- 698 "can crack the whip": Ibid.
- **698 sued six movie companies**: "Fox's Tri-Ergon Company Sues 6 Talkie Firm," *CDT*, Oct. 18, 1934, 30.
- **698 thirty patent infringement lawsuits . . . film laboratories:** "Supreme Court Smashes Fox Hope of New Empire," *MPH*, Mar. 9, 1935, 9–10.
- **698 nationwide collection agency**: "Supreme Court Halts Fox Tri-Ergon Attack," 9.
- **698 a big mistake**: George Wharton Pepper, *Philadelphia Lawyer*: *Autobiography of George Wharton Pepper* (Philadelphia and New York: J. B. Lippincott Company, 1944), 371.
- **698 brief waiting period . . . to reconsider**: Ibid.
- **698 write the petition . . . Mitchell**: "Memorial on William DeWitt Mitchell," 6. (minnesotalegalhistoryproject.org.)
- **698 "coerce substantially"**: "Asks New Ruling on Movie Patents," *NYT*, Nov. 3, 1934, 20.
- **698 one person would completely dominate**: Pepper, *Philadelphia Lawyer*, 371.
- **699** invalidated . . . so commercially valuable: Ibid.
- 699 reversed . . . without explanation: Felix Frankfurter and Henry M. Hart Jr., "The Business of the Supreme Court at October Term 1934," *Harvard Law Review* 49, no. 1 (Nov. 1935): 90.
- **699 agreed to review the Tri-Ergon cases**: "Supreme Court Agrees to Review Patent Case," *MPD*, Nov. 6, 1934, 1.
- **699 last time . . . had been in 1928**: Ibid., 2.
- **699 only when there was a conflict in the lower court**: Frankfurter and Hart, "The Business of the Supreme Court at October Term, 1934," 90.
- 699 prevented from pressing his seventeen lawsuits: "Supreme

- Court Agrees to Review Patent Case," 1.
- **699 "Hope you didn't spend"**: "Supreme Court Halts Fox Tri-Ergon Attack," 9.
- **699 prepare the Supreme Court brief...oral argument**: Pepper, *Philadelphia Lawyer*, 371.
- 699 technically valid and "highly meritorious": Ibid.
- **699** instantly that he had lost: Ibid., 371–72.
- 699 "I have argued in some chilly" Ibid., 371.
- **699 March 4, 1935, the Supreme Court invalidated**: "Supreme Court Rules Against Tri-Ergon In Patent Suit," *WSJ*, Mar. 5, 1935, 1.
- **699 Brandeis abstaining**: "Fox Loses \$100,000 Suit," *New York Sun*, Mar. 4, 1935.
- **699 vote was unanimous**: "Court Invalidates Fox Film Patents," *NYT*, Mar. 5, 1935, 14.
- **699 two cases, written by Justice Harlan F. Stone**: "Fox Loses \$100,000 Suit."
- **699 "ancient mechanical devices":** "Supreme Court Smashes Fox Hope of New Empire," 9.
- 699 "novelty and invention": Ibid., 11.
- **700 application was denied**: "William Fox Loses Plea," *NYT*, Apr. 3, 1935, 21.
- 700 Tri-Ergon patents were worthless: They would not remain entirely so. On Feb. 18, 1937, American Tri-Ergon applied for a reissued patent with modified claims; this was granted on Jan. 11, 1938, and in Oct. 1946, RCA and American Tri-Ergon reached an agreement to grant rights to RCA under both the original and reissue patents (Edward W. Kellogg, "History of Sound Motion Pictures, Second Installment," *JSMPTE*, July 1955, 363).
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- **700 substitute another device**: "Supreme Court Halts Fox Tri-Ergon Attack," 9.
- **700 alternate "vertical cut" method**: Finn, "The Industry Re-Discovers Mr. Fox and Tri-Ergon," 8.
- **700** "you can look for a struggle": Edwin Schallert, "Court Decision Like Bomb in Hollywood," *LAT*, Oct. 14, 1934, A1.

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- **701 wouldn't have taken the job**: "20th Century-Fox Merger Is Approved," *MPD*, Aug. 16. 1935, 11.
- **701 director of safety . . . known during his days**: Allvine, *The Greatest Fox of Them All*, 90.
- **701** Reilly eavesdropped . . . stupid and greedy: Ibid., 91.
- 701 sue for criminal libel: Ibid.
- **701 McIntyre was fired**: "D. E. McIntyre Dies in East," *LAT*, Dec. 28, 1932, A8.
- **701 June 15, 1932, Sheehan returned**: "Film Work Resumed by Sheehan," *LAT*, June 15, 1932, A1.
- 701 threw himself out the window: "D. E. McIntyre Dies in East," A8.
- **701 Three years of strife:** "Sheehan Resigns as Fox Film Chief," *NYT*, July 18, 1935, 15.
- **701 Lasky as head of production**: Jesse L. Lasky to Jesse Lasky, Jr., Mar. 25, 1932, 1. JLLP.
- **702 canceled Sheehan's unilateral authority**: "Fox 'Errant'," *HR*, June 9, 1934, 92.
- **702 "delayed and delayed"**: Oral History of Robert D. Webb © 1971, 46. Courtesy of AFI.
- **702 drank heavily . . . camel's hair coat**: James Wong Howe statement, the Films of Erich von Stroheim Oral History © 1971, 6–7. Courtesy of AFI.
- **702 "I am sick of motion pictures**": "Farrell to Flee 'Society' Films," unidentified publication, Mar. 26, 1933. (Charles Farrell clipping file, MHL.)
- **702 couldn't make payroll . . . volunteered to defer**: Oral History of Henry King © 1972, 11. Courtesy of AFI.
- **702 \$3 million against a cost of \$1.1 million**: "Twentieth Century–Fox," *Fortune*, Dec. 1935, 85.
- 702 slashing . . . cancel \$38 million: "Fox Film Reorganization Is Completed," *NYT*, Aug. 22, 1933, 25. As a result of the reorganization, Fox Film's outstanding Class A shares were reduced from 2,425,660 to 404,276 and the outstanding Class B shares from 99,900 to 16,650. Then the authorized Class A shares were increased to 2.8 million. Bank loan and debenture creditors agreed to accept one Class A share in exchange for \$18.90 of indebtedness.

- **702 "functioning better"**: "Fox Showmanship News" ad, *FD*, June 20, 1934.
- **703 profit of \$853,668...\$8.4 million**: "Fox Film's \$853,668 Net Reflects Result of Financial Reorganization," *MPH*, Mar. 24, 1934, 13.
- **703 net profit of only \$1.27 million**: Fox Film Corporation Annual Report, 1934, 3. Columbia University, Thomas J. Watson Library of Business and Economics.
- **703** mother of a Fox Film extra . . . "out of here": "Overwhelmingly Approve 20th Century-Fox Merger," *MPD*, Aug. 16. 1935, 6.
- 703 saw porters and attendants with their feet: Ibid.
- 703 "The only active gentleman": Ibid.
- **703 replaced General Theaters:** "Twentieth Century-Fox," *Fortune*, Dec. 1935, 85.
- **703 best physical facilities**: Ibid., 130; Douglas W. Churchill, "Alarums and Excursions in the Film City," *NYT*, June 2, 1935, X3.
- **703 owned no land**: "Fox-20th Century Deal Approved, But Still Awaits Court Order," *MPH*, Aug. 24, 1935, 40.
- **703 twenty features, only two:** "Kent Details the Advantages of 20th Century-Fox Film Merger," *Variety*, Aug. 21, 1935, 26.
- **703 2.5 times their average negative cost**: "Fox-20th Century Deal Approved, But Still Awaits Court Order," 40.
- **703 \$1.7 million . . . \$1.8 million**: "Twentieth Century–Fox," 93.
- **704 "major bombshell"**: Churchill, "Alarums and Excursions in the Film City," X3.
- **704 August 15 special meeting**: "Fox Stockholders Vote for Merger," *FD*, Aug. 16, 1935, 1.
- **704 On July 16... nearly \$430,000**: S. R. Kent to Winfield R. Sheehan, July 16, 1935, 1–2. "Winfield Sheehan Personal Correspondence," FLC.
- **704 irrevocable proxy . . . in favor:** S. R. Kent to Winfield R. Sheehan, July 16, 1935, 3–4. "Winfield Sheehan Personal Correspondence," FLC.
- **704 13,000 Fox Film A shares**: "Kent Details the Advantages of 20th Century-Fox Film Merger," 4.
- **704 Nine days . . . stay the merger**: "Action by Mrs. Eva Fox to Block Merger Follows 21 Million Suit," *MPH*, Aug. 17, 1935, 35.

- **704 "recklessly exorbitant"**: "Merger Stay Again Denied For Mrs. Fox," *MPD*, Aug. 29, 1935, 4.
- **704 \$36 million . . . \$4 million**: "Twentieth Century–Fox," 93.
- **704 judge ruled . . . good faith:** "Supreme Court Squashes Third Attempt to Prevent Fox Merger," *MPH*, Aug. 31, 1935, 25.
- **704 owned about 72 percent**: "Sheehan Will Get \$375,000 Under Settlement With Fox," *MPD*, Aug. 26, 1935, 1; "Supreme Court Squashes Third Attempt to Prevent Fox Merger," 25.
- **705 2.42 million Class A shares**: "Fox Merger Voted; Court Still to Act," *NYT*, Aug. 16, 1935, 23; Fox Film Corporation Annual Report, 1934. Columbia University, Thomas J. Watson Library of Business and Economics.
- **705 Hayden, Stone and White, Weld & Co.**: "Action by Mrs. Eva Fox to Block Merger Follows 21 Million Suit," 35.
- **705 more than 2 million . . . fewer than 2,000**: "Fox Merger Voted; Court Still to Act," 23.
- **705** "finest deal ever": "20th Century-Fox Merger Is Approved," 11.
- **705 fewer than one hundred:** "Fox Stockholders Vote for Merger," 6.
- **705 "There has been a bad smell"**: "Name Change an Asset and Will Remove 'Bad Smell,' Says Kent," *MPD*, Aug. 16. 1935, 6.
- **705 "Dillinger's lieutenant"**: "\$50,000 Plot Against Fox of Movies Bared by Arrest," *CDT*, Aug. 24, 1934, 3.
- **705 pair of . . . skull-and-crossbones**: "Mrs. Fox Tells Jury of Threat Against Family," *Brooklyn Citizen*, Oct. 29, 1934, 1; "Fox to Testify In Extortion," *BDE*, Oct. 30, 1934, 1.
- **705 two Fox grandsons . . . \$50,000**: "Chauffeur Denies Fox Kidnap Threat; Movie Magnate's Wife Takes Stand," *Nassau Daily Star*, Oct. 30, 1934, 1.
- **705 neatly printed . . . "excess of":** "Fox to Testify In Extortion," 1.
- **705 misplaced periods**: "Monnier Defense to Call Experts," *Nassau Daily Star*, Dec. 12, 1934, 1.
- **705 nine**: Born Mar. 15, 1925.
- 705 seven: Born Nov. 18, 1926.
- **705** "as easy as young Lindbergh": "Fox to Testify In Extortion," 1.
- **705 postcard arrived**: "Hewlett Man Held in Kidnap Threat Asking \$50,000 of William Fox," *Nassau Daily Star*, Aug. 24, 1934, 1.
- **705 private guards . . . three times:** "Kidnaping Threat Reported Received By Movie Magnate," *Nassau Daily Star*, July 30, 1934,

- **705 trap was set . . . trail went cold**: "Hewlett Man Held in Kidnap Threat Asking \$50,000 of William Fox," 1; "Mrs. Fox Tells Jury of Threat Against Family," 1; "Fox Kidnap Case Weighed by Jury," *New York Sun*, Oct. 31, 1931.
- **705 diminutive . . . unemployed chauffeur**: "Chauffeur Denies Fox Kidnap Threat; Movie Magnate's Wife Takes Stand," 1.
- **706 apply for a job . . . to Eva**: Ibid.
- **706 former employer... Wall Street brokerage**: "Chauffeur Denies Fox Kidnap Threat; Movie Magnate's Wife Takes Stand," 1; "Fox Kidnap Case Weighed by Jury."
- **706 gatekeeper . . . off the property**: "Chauffeur Denies Fox Kidnap Threat; Movie Magnate's Wife Takes Stand," 1.
- **706 in the nose**: "Hewlett Man Held in Kidnap Threat Asking \$50,000 of William Fox," 1.
- **706 wide loops . . . capital M**: "Monnier Defense to Call Experts," *Nassau Daily Star*, Dec. 12, 1934, 1.
- **706 black silk dress . . . glasses**: "Chauffeur Denies Fox Kidnap Threat; Movie Magnate's Wife Takes Stand," 1.
- **706 deadlocked . . . seven to five**: "Jurors Disagree in Monnier Trial," *Nassau Daily Star*, Nov. 1, 1934, 1.
- **706 three months in a federal detention center**: "Monnier Cleared in Kidnap Threat," *Nassau Daily Star*, Dec. 15, 1934, 1.
- **706 couldn't afford to pay the \$25,000**: "Threat to Mrs. Fox traps a Suspect," *NYT*, Aug. 24, 1934, 34.
- **706 most powerful woman in the world**: "Rosika Schwimmer Dead at Age of 70," *NYT*, Aug. 4, 1948, 21.
- **706** *Oscar II* . . . speedy end: "Peace Ark Starts; Ford is Buoyant," *NYT*, Dec. 5, 1915, 1.
- **706 reportedly spent \$500,000**: "Autocratic Leader Split Ford's Party," *NYT*, Jan. 31, 1916, 2.
- **706 against Schwimmer . . . anti-Semitic rants:** "Rosika Schwimmer Dead at Age of 70," 21.
- 706 twenty times as many movie tickets: USPWF, 213.
- **707 never met**: Henry Weinberger to Elaine Sanders, Apr. 22, 1937. Box 491, RSP.
- **707 "an arch-hypocrite" . . . libel lawsuit**: "Fox and Sinclair Sued," *NYT*, Oct. 12, 1933, 32.

- **707 dismissed the case without a trial**: "Peace Lecturer Loses," *NYT*, Feb. 18, 1934, 9.
- **707 obsessed with the idea of meeting**: Rosika Schwimmer to Henry Weinberger, Nov. 15, 1934. Box 491, RSP.
- **707 to spy on him**: Untitled typed document, June 29, 1935. Box 491, RSP.
- **707 refused all contact**: Harry Weinberger to Elaine Sanders, Apr. 22, 1937, Box 491, RSP.
- **707 pay all the court costs**: Hirsh, Newman, Reass & Becker to Harry Weinberger, Sept. 18, 1934, Box 491, RSP.
- **707 "shut up in an asylum":** "In the Matter of Upton Sinclair, William Fox, and Rosika Schwimmer," 6. Box 491, RSP.
- **707 Hungary . . . sixteen months:** "Rosika Schwimmer Dead at Age of 70," 21.
- 707 reputed Nazi organization: James E. Jenkins, "'Nazi Base' Found in Nassau; Swastika Parades Here Today," *Nassau Daily Star*, Aug. 25, 1934, 1.
- **707 Long Island's South Shore**: "Threatened Strife Over 'Nazi March' Averted in Nassau," *Nassau Daily Star*, Aug. 27, 1934.
- 707 Some sixty cars . . . Nazi salute: Ibid.
- 707 "husky uniformed county": Ibid.
- **707 Dr. Menas Gregory . . . "always gruff"**: Untitled typed document, June 29, 1935, "Schwimmer v. Fox & Sinclair, General Correspondence" Box 491, RSP.
- 708 each with a gun: Ibid.

CHAPTER 51: REVENGE

- **709 \$297,412.91 judgment**: "William Fox Again in Film Court Limelight," *MPH*, Sept. 21, 1935, 29.
- **709 judgment . . . July 18, 1935**: "Lawyer Named Fox Receiver," *New York Sun*, Apr. 17, 1936.
- **709 annual rent of \$235,000**: "Judgment Filed Against Fox on Theater Lease," *New York Herald Tribune*, July 20, 1935.
- **709 twenty-five-year lease**: "Fox Plans Houses in Three Cities," *MPN*, Feb. 20, 1926, 883.
- **709 Fox's . . . Pacific Theaters**: "Goldenberg at 'Frisco Fox," *FD*, Apr. 6, 1933, 2.
- 709 take over . . . continued to lose money: Preston J. Kaufmann,

- *Fox: The Last Word (Pasadena, CA: Showcase Publications,* 1979), 273–75.
- **710 top ticket price of twenty-five cents**: "Goldenberg at 'Frisco Fox," 2.
- 710 refused to renegotiate: Kaufmann, Fox: The Last Word, 276.
- **710 stopped paying the full rent:** "Judgment Filed Against Fox on Theater Lease."
- **710 income beyond operating expenses**: Kaufmann, *Fox: The Last Word*, 276.
- **710 more than \$25 million**: "Bill Fox a Champ Litigant Whose Rep Is As a Generous Client; 20 Millions Pending, 5 Millions Fees," *Variety*, Oct. 23, 1934, 6.
- **710 twenty-two-room apartment**: Meyer Berger, "About New York," *NYT*, Feb. 11, 1957, 22.
- **710 cut off the sixty-dollar-a-week**: "Interrogatories Administered to William Fox," Oct. 3, 1935, 6. F-F.
- **711 "Better children than yours"**: Angela Fox Dunn interview with the author.
- **711 Hebrew Sheltering Guardian Society**: Anne Williams interview with the author, Oct. 13, 2005.
- 711 a year and a half: Ibid.
- **711 in serious condition**: William Fox testimony, Trial transcript, Aug. 5, 1941, at 1079. US-DK.
- **711 October 1935 . . . Canada**: J. J. Gallagher statement, Trial transcript, Aug. 5, 1941, at 1091. US-DK.
- **711 Toronto General Hospital . . . Banting**: Ibid., William Fox testimony, Trial transcript, Aug. 5, 1941, 1090–92. US-DK.
- **711 "What are you grieving about"**: Angela Fox Dunn interview with the author.
- **711 morning rides . . . "sick man"**: "Wm. Fox in Toronto," *Variety*, Dec. 11, 1935, 4.
- **711 October 1930 . . . \$6.9 million**: "In the Matter of William Fox, Bankrupt," *American Bankruptcy Review*, Nov. 1936, 111.
- **711 more than \$8 million in losses . . . \$1.5 million**: "Wm. Fox," *Variety*, Sept. 25, 1935, 17.
- 711 no earlier than mid-1935: Borkin, The Corrupt Judge, 132.
- **712** clue was the letter $h \dots$ alleged trust deed: Ibid., 132.
- **712 frequent erasures, corrections, and interlineations:** "Fox Loses

- Point," New York Sun, Aug. 18, 1936.
- **712 his company, wholly owned**: William Fox interview with William Gray, June 8, 1932, 6, US-MSS.
- **712 remained in his name**: "Fox Loses Point"; "Shifted Securities Are in Fox's Name," *NYT*, July 16, 1936, 35.
- **712 gave Fox Hall to Eva on April 14, 1930**: "Fox Is Questioned on Gifts Made in 1930," *NYT*, Aug. 22, 1936, 18.
- **712 threatening to file a lien:** "Judgment Filed Against Fox on Theater Lease."
- **712 at one point, \$350,000**: William Fox testimony, Trial transcript, May 21, 1941, at 459. US-DK.
- **712 discontinued their membership**: Frances A. Hess e-mail to the author, Apr. 11, 2010.
- **712 January 2, 1936 . . . second wife**: "Michael Fox," *NYT*, Jan. 3, 1936, 20.
- **713 Fox returned to New York**: "Receiver Is Named for Fox Property," *NYT*, Apr. 18, 1936, 19.
- 713 hired private detectives: Ibid.
- 713 early October 1935: Ibid.
- **713 found him on a train**: "William Fox Held Guilty of Contempt," *NYT*, Dec. 6, 1935, 31.
- **713 Frankfort Junction . . . just within one hundred miles**: "Lawyer Named Fox Receiver," *New York Sun*, Apr. 17, 1936.
- **713 subpoena requiring him . . . He didn't**: "William Fox Held Guilty of Contempt."
- **713 arrested and held in custody**: "Court Orders Fox Seized Over Debt," *NYT*, Feb. 21, 1936, 3.
- **713 After foreclosing . . . \$1.1 million**: "Statement of William Fox," (Part 2) Mar. 22, 1941, 2–3. Box 15, 118 Files, US-DKF.
- **713 owed him money**: Ibid., 3.
- **714 \$3.6 million . . . 1929 and 1930 tax returns**: "\$3,566,585 Tax Claim Is Filed Against Fox," *NYT*, Sept. 20, 1935, 39.
- 714 write off more than \$8 million: Ibid.
- **714 "in need of a shave"**: "Losses High Aiding Films," *LAT*, Mar. 26, 1936, 3.
- **714 1932 to mid-1935 . . . \$3.4 million**: "F.C.C. Traces A.T.&T. Loans To Film Firms," *WP*, Mar. 26, 1936, 7.
- **714 at various studios**: "Losses High Aiding Films," 3.

- 714 mostly flopped: "F.C.C. Traces A.T.&T. Loans To Film Firms," 7.
- **714 "unwise and unpractical"**: "Gifford Regrets A.T.&T. Entry Into Film Field," *WP*, Dec. 30, 1936, X8.
- **714 Pennsylvania . . . Delaware**: Walter H. Gahagan Jr. statement, Trial transcript, May 20, 1941, at 180. US-DK.
- **714 Bourgeois and Coulomb**: Gerald A. Gleeson and Francis W. Sullivan Statement, 10–11. Box 17, 118 Files, US-DK; William Fox testimony, Trial transcript, May 21, 1941, at 514. US-DK.
- **714 first weekend . . . Traymore**: "Government's Exhibits," Nos. 1 and 2, p. 1. Box 4, US-DK.
- 715 older brother: David E. Kaufman testimony, "Grand Jury In Investigation into the Judicial Conduct of Judge J. Warren Davis," transcript, May 8, 1941, at 1023. Box 13, 118 Files, USDKF.
- **715 David E. Kaufman . . . Buffington**: "Government's Exhibits," 1. Box 4, US-DK.
- 715 eighty-year-old: Born Sept. 5, 1855.
- **715 only federal bankruptcy**: "Statement of William Fox," (Part 2), Mar. 22, 1941, 4. Box 15, 118 Files, US-DKF.
- **715 only twice before**: Morgan Kaufman testimony, Trial transcript, Aug. 19, 1941, at 2708. US-DK, NARA Philadelphia.
- **715 gambling and prostitution rackets**: "Final Appeal Lost by 'Nucky' Johnson," *NYT*, Feb. 16, 1943, 11; "Official in Jersey Linked to Vice Case," *NYT*, Nov. 17, 1937, 48.
- **715 Kaufman called . . . legal book**: "Robert E. Steedle—Personal," 1. Box 17, 118 Files, US-DK.
- 715 arm-twisted . . . hotel lobby: Ibid., 2.
- **715 cancel the next day**: Ibid., 2–3.
- **715 watchful Capital Company detectives**: "Detective Describes Meeting Between Fox And Kaufman at Shore," *PI*, July 30, 1941.
- **715 an hour and ten minutes**: Ralph T. Piper testimony, Trial transcript, May 28, 1941, at 1550. US-DK.
- **715 withdrawn \$15,000 in cash**: E. E. Seiwell testimony, Trial transcript, Aug. 1, 1941, at 680–83. US-DK.
- **715 on May 28, 1936 . . . San Francisco Fox**: "Bill Fox's Bankruptcy," *Variety*, June 3, 1936, 5, 26.
- 715 \$1.25 million judgment: "Statement of William Fox" (Part 2),

- Mar. 22, 1941, 2. Box 15, 118 Files, US-DKF. On June 2, 1936, that \$1.25 million judgment was filed against Fox in favor of Chicago Title and Trust.
- **716 final three payments on the Roxy Theatre**: "Fox Wins Point in Suit Over Theater Deals," *CDT*, Oct. 27, 1934, 23.
- **716 On May 29, 1936 . . . declared bankruptcy:** Government Exhibit 50, Trial transcript, Aug. 6, 1941, at 1110–11. US-DK.
- **716 cash assets of \$100**: "William Fox Says He Is Bankrupt; New Suit is Filed," *MPH*, June 6, 1936, 93.
- **716 squandered \$14 million . . . "some chemical company"**: "Fox Assets in 1931 Put At \$20,900,000," *NYT*, June 23, 1936, 26.
- **716** "the most amazing individual come-down": "Bill Fox's Bankruptcy," 5.
- **716 adjudicated bankrupt:** Government Exhibit 50, Trial transcript, Aug. 6, 1941, at 1110–11. US-DK; "Inquiry Names Film Magnate, Federal Judge," *WP*, Mar. 19, 1941, 7.
- **716 debts . . . of more than \$50,000**: "Fox Settling Tax He Tells Court," *PEB*, Jan. 21, 1942.
- 716 Around the time: William Fox testimony, Trial transcript, May 20, 1941, at 300 and 361–62; "Robert E. Steedle—Personal," 3–4. US-DK. Fox couldn't remember whether Davis and Kaufman visited him shortly before or shortly after his bankruptcy filing.
- **716 recently moved his family from the Claridge Hotel**: William Fox testimony, Trial transcript, May 21, 1941, at 518. US-DK.
- **716 leased house on Delancey Place**: "Statement of William Fox" (Part 2), Mar. 22, 1941, 3. Box 15, 118 Files, US-DKF.
- **716 facing the ocean**: William Fox testimony, Trial transcript, May 20, 1941, at 361. US-DK.
- 716 more than an hour: Ibid., 362.
- **716 front lawn**: Ibid., 361.
- 716 listened sympathetically: Ibid., 367.
- **716 promised to get Steedle to cooperate**: "Statement of William Fox" (Part 2), Mar. 22, 1941, 4. Box 15, 118 Files, US-DKF.
- **716 in mid-July**: William Fox testimony, Trial transcript, May 20, 1941, at 375. US-DK.
- **716** Kaufman returned . . . Could Fox lend Davis: Ibid., 375–76.
- **717 due date or interest or collateral**: Ibid., 304–5; "Statement of William Fox" (Part 2), Mar. 22, 1941, 7. Box 15, 118 Files, US-

DKF.

- **717 never return . . . never ask**: "Statement of William Fox" (Part 2), Mar. 22, 1941, 7–8. Box 15, 118 Files, US-DKF.
- **717 fifty- and hundred-**: William Fox testimony, Trial transcript, May 21, 1941, at 522–23. US-DK.
- **717 gave it to Kaufman**: "Statement of William Fox" (Part 2), Mar. 22, 1941, 9. Box 15, 118 Files, US-DKF.
- **717** "real money in it": "Robert E. Steedle—Personal," 4. Box 17, 118 Files, US-DKF.
- 717 help Steedle get appointed: Ibid., 7-8.
- 717 "wizard," buy some stock for him: Ibid., 8.
- **717 invited Steedle and his wife**: Alma Steedle testimony, Trial transcript, May 23, 1941, at 908. US-DK.
- **717 August 22, 1936 . . . Lawrenceville**: "Mary Davis Married to Roger S. Firestone; Ceremony on Lawn of Her Parents' Estate," *NYT*, Aug. 23, 1936, N3.
- **717 out to dinner**: Alma Steedle testimony, Trial transcript, May 23, 1941, at 906. US-DK.
- **717 notes on yellow foolscap paper . . . in a locked safe**: "Reports of the Special Masters, No. M-978," at 29. Box 17, 118 Files, US-DKF.
- **717** "one of the most astounding revelations": Gerald A. Gleeson and Francis W. Sullivan Statement, 9. Box 17, 118 Files, US-DK.
- **717 conduct the matter properly**: "Robert E. Steedle—Personal," 9. Box 17, 118 Files, US-DKF.
- **717 June 1 . . . appoint a receiver**: Ibid., 5.
- 717 key position: Ibid., 6.
- 717 wanted Davis's brother, J. Mercer Davis: Ibid., 5.
- 717 Steedle refused: Ibid.
- **717 on behalf of the creditors**: William Elmer Brown Jr. testimony, Trial transcript, May 23, 1941, at 955. US-DK.
- **718 set aside the claims**: "Robert E. Steedle—Personal," 9–10. Box 17, 118 Files, US-DKF.
- **718 allow Fox's claims against others**: Walter H. Gahagan statement, Trial transcript, May 20, 1941, at 185; William Fox testimony, Trial transcript, May 20, 1941, at 303. US-DK.
- **718 Fox Film . . . Capital Company**: William Fox testimony, Trial transcript, May 20, 1941, at 362. US-DK.

- **718 examine Fox's books and records**: "Fox Assets in 1931 Put At \$20,900,000," 26.
- **718 bookkeeper since 1909:** "Fox Records List Million in Gifts," *NEN*, Oct. 7, 1936.
- **718 clutched them tightly**: Walter H. Gahagan statement, Trial transcript, May 20, 1941, at 198. US-DK.
- **718** "disappeared" . . . "slightest idea": "William Fox Asks Suits Be Enjoined," *NEN*, July 7, 1936.
- **718 questioning by creditors' lawyers**: "Mrs. Fox on Stand, Warned on Memory," *NEN*, Aug. 26, 1936.
- **718 All Continent's president**: "Suit Compromised By Wm. Fox Family," *NEN*, June 15, 1939.
- **718 \$25,000 salary**: "Says Mrs. Fox Got Salary of \$25,000," *New York Sun*, July 28, 1936; "Admission by Fox's Clerk," *NYT*, July 24, 1936, 31.
- **718 no memory of recent transactions**: "Mrs. Fox on Stand, Warned on Memory."
- 718 "I've been sick": Ibid.
- **718 let her go . . . following day**: Ibid.
- **718 sent a doctor's note**: "Mrs. Fox Ignores Order of Referee," *NEN*, Sept. 1, 1936.
- 718 court-appointed doctor . . . didn't return: Ibid.
- **718 Eva, too, for contempt**: "Fox's Wife Faces Contempt Action," *New York Sun*, Sept. 2, 1936; "Referee Finds Mrs. Fox In Contempt of Court," *New York Sun*, Sept. 8, 1936.
- **718 laughing at the Capital Company's lawyer**: "Piker's Sum," *NEN*, Aug. 22, 1936.
- **718 called the hearings "child's play"**: "Fox Is Questioned on Gifts Made in 1930," 18.
- **719 appealed both cases**: Walter H. Gahagan, Jr., statements, Trial transcript, May 20, 1941, at 309–10. US-DK,
- **719 December 18 . . . Adelphia Hotel**: "Government's Exhibits," 4. Box 4, US-DK.
- **719 wanted to return**: William Fox testimony, Trial transcript, May 20, 1941, at 307. US-DK.
- 719 lend him . . . \$12,500: Ibid.
- **719 twelve new \$1,000 bills and \$500**: Ibid., 402–3.
- 719 calling Davis from a pay phone: Ibid., 398–400.

- 719 bought a newspaper, wrapped the money in it: Ibid., 403–5.
- **719 corner of Twelfth Street and either Chestnut or Walnut**: Ibid., 400.
- **719** "We withdrew into the hallway": "Fox's Loans to U.S. Judge Cited at Trial," *WP*, May 21, 1941, 16.
- **719 two or three minutes**: "Statement of William Fox" (Part 2), Mar. 22, 1941, 14. Box 15, 118 Files, US-DKF.
- **719 Neither spoke**: William Fox testimony, Trial transcript, May 20, 1941, at 389. US-DK.
- **719 signed by . . . written by**: Joseph Buffington testimony, Trial transcript, May 23, 1941, at 950. US-DK.
- **719 Eva's contempt citation . . . September 1936**: Walter H. Gahagan Jr. statement, Trial transcript, May 20, 1941, at 197. US-DK.
- 719 January 1938 . . . another doctor: Ibid.
- **719 Dr. Ross V. Patterson**: William Elmer Brown Jr. testimony, Trial transcript, May 23, 1941, at 1034. US-DK.
- **719 too ill to testify**: Walter H. Gahagan Jr. statement, Trial transcript, May 20, 1941, at 197. US-DK.
- **719 invalidated Eva's contempt citation**: William Elmer Brown Jr. testimony, May 23, 1941, at 1005. US-DK.
- 719 not any new information: Ibid., 1002.
- **720 representing the bankruptcy trustee**: William Elmer Brown, Jr., testimony, Trial transcript, Aug. 6, 1941, at 1191. US-DK.
- **720 Fox's creditors**: William Elmer Brown Jr., testimony, Trial transcript, Aug. 7, 1941, at 1364. US-DK.
- 720 disregarded them: Ibid., 1378.
- **720 to rubber-stamp**: F. H. Spotts testimony, "1941 Grand Jury In Investigation Into the Judicial Conduct of Judge J. Warren Davis," Apr. 10, 1941, 648. Box 13, 118 files, US-DK.
- **720** "rather acute controversy . . . not stand for it": George Wharton Pepper testimony, "1941 Grand Jury In Investigation Into the Judicial Conduct of Judge J. Warren Davis," Apr. 10, 1941, at 664–65. US-DKF.
- **720 "a bitterness on both sides"**: Jack Leo to Sol Wurtzel, Mar. 17, 1937, SMWP.
- **720 After failing . . . \$1.8 million in back salary**: Sol Wurtzel to Rose and Jack Leo, June 17, 1937, SMWP.

- **721** "Of course, I felt" . . . run the business for him: Ibid.
- **721** "This request was so ridiculous" . . . "financially broke": Ibid.
- **721** "I told Fox his request" . . . "I was not in": Ibid.
- **721 July 9, 1937, around 3:00 a.m.**: "Film Storehouse Swept by Flames," *New York Sun*, July 9, 1937.
- **721 improperly ventilated . . . spontaneously ignited**: David Pierce, "The Legion of the Condemned—Why American Silent Films Persished," *Film History* 9, no. 1 (1997): 12.
- 721 all the other vaults: Ibid.
- **722 five nearby homes . . . "blazing rolls"**: "Film Storehouse Swept by Flames."
- **722 one hundred degrees . . . without automatic sprinklers**: Pierce, "The Legion of the Condemned," 12.

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- **723** "More or less, there is always": William Fox testimony, Trial transcript, Aug. 4, 1941, at 907. US-DK.
- **723** "crook and always has been": E. A. Tamm memo to J. Edgar Hoover, Feb. 10, 1939, 13. Reel 8, FBI Confidential Files microfilm.
- **723 FBI focused on him in early 1939**: Ibid., 1; "Murphy Declines Comment on Davis," *PI*, Dec. 14, 1939.
- **723 Murphy pressured Davis to retire**: "Fox Is Expected to Take Stand Against Davis," *PEB*, Mar. 29, 1941.
- **723 At seventy-two**: "Biggs Confirms Probe of Davis," *Philadelphia Record*, Aug. 17, 1939. Davis was born on Mar. 14, 1867.
- **723 1937 law...annual salary for life**: "Murphy Explains Davis Retirement," *NYT*, Apr. 22, 1939, 4.
- **723 \$12,000 annual salary**: "President Accepts Davis's Resignation," *NYT*, Nov. 26, 1941, 18.
- **723 involving Paramount Pictures**: "Punish Kaufman for Davis Loans, U.S. Court Asked," *Philadelphia Record*, Dec. 6, 1941.
- **723 Kelly-Springfield Tire Company**: "Jury Probes Warren Davis," *Philadelphia Evening Ledger*, Feb. 26, 1940.
- **723 "You can be sure that when anyone retires":** "Murphy Explains Davis Retirement." 4.
- **723 President Roosevelt . . . "many years of health"**: "Lets Judge Davis Retire," *NYT*, May 1, 1939, 25.

- **724 Davis had received a letter of exoneration**: Edward A. Tamm memo to J. Edgar Hoover, May 8, 1939. Reel 5, FBI Confidential Files microfilm.
- 724 take this "laying [sic] down": Ibid.
- **724 Hoover, who considered Davis a primary target**: E. A. Tamm file memo, June 19, 1939, Reel 6, FBI Confidential Files microfilm.
- **724** June **1939**, Murphy announced . . . "financial transactions": "Murphy Bares FBI Probe Here of Judge Davis," *PI*, June 8, 1939.
- **724 same team that several days earlier**: Ibid.; "Jury Probes Warren Davis"; "Spector Guilty Too," *NYT*, June 4, 1939, 1.
- **724** a prospect for the U.S. Supreme Court: "Harding Expected to Name a Democrat For Supreme Court, Judge Manton Urged," *NYT*, Oct. 27, 1922, 18.
- **724 first federal appeals court judge . . . influence peddling:** "Spector Guilty Too," 1.
- **724 barred from sitting in any new cases**: "Fox Is Expected to Take Stand Against Davis."
- 724 rehearing twelve cases: "Jury Probes Warren Davis."
- **724** into the crosshairs in February 1940: "Inquiry Names Film Magnate, Federal Judge," *WP*, Mar. 19, 1941, 7.
- **724 federal grand jury in New York**: "Retired Judge and Ex-Envoy Under Inquiry," *New York Herald-Tribune*, Mar. 19, 1941.
- **724 Subpoenaed as a witness**: William Fox testimony, Trial transcript, May 21, 1941, at 422. US-DK.
- **724 preliminary interviews . . . that spring**: William Fox testimony, Trial transcript, May 21, 1941, at 423–24. US-DK.
- 724 twice before the grand jury: Ibid., 432.
- **724** only about Fox's relationship with Kaufman: Ibid., 430–31.
- **724 "false and pernicious" . . . Judge Clark**: "Fox Is Expected to Take Stand Against Davis."
- **725 didn't even try**: "Statement of William Fox" (Part 2), Mar. 22, 1941, 16. Box 15, 118 Files, US-DKF.
- **725** secondhand tire dealer . . . disputed bills: Ibid., 17.
- 725 "I said I couldn't possibly": Ibid.
- **725 As a compromise . . . crisp, large bills**: "Statement of William Fox" (Part 2), Mar. 22, 1941, 17. Box 15, 118 Files, US-DKF;

- "Davis Defies Withering Fire of Questions," *Philadelphia Ledger*, May 27, 1941.
- **726 early March in New York**: William Fox testimony, Trial transcript, May 21, 1941, at 435. US-DK.
- 726 ever given money to Davis or to Kaufman: Ibid., 437.
- 726 Fox said no: Ibid.
- 726 knew he was lying: Ibid., 442.
- **726** Get a lawyer . . . tell the truth: Ibid.
- **726 Through Morgan Kaufman**: J. Warren Davis testimony, Trial transcript, May 26, 1941, at 1274. US-DK.
- **726 signing . . . as Herman Goldberg**: "Davis and Fox Meeting Told," *NEN*, May 26, 1941.
- **726** hotel chambermaid . . . enter Davis's room: Ibid.
- **726 an hour and a quarter**: "Statement of William Fox" (Part 3), Mar. 22, 1941, 3. Box 15, 118 Files, US-DKF.
- **726 assured Davis . . . that they had never met**: William Fox testimony, Trial transcript, May 20, 1941, 323. US-DK.
- **726 March 18... ready to confess:** "Brief for Defendant-Appellant," *U.S. v. William Fox*, No. 7867, United States Circuit Court of Appeals for the Third Circuit, at 2, Box 15, 118 Files, US-DK.
- **727 "cleanse my soul"**: William Fox testimony, Trial transcript, May 21, 1941, at 450. US-DK.
- **727 seventy-three-year-old cousin Charles S. Levin . . . Cameo Theatre**: "Theatre Man Dies in 9-Story Plunge," *NYT*, Oct. 26, 1939, 19. Levin landed on steel netting above the skylight of a one-story building; hence, the headline states that he fell nine stories.
- **727 co-owner of the Cameo**: "Funeral Services Held for Charles S. Levin," *FD*, Oct. 27, 1939, 2.
- **727 mostly Russian Communist films**: "Theatre Man Dies in 9-Story Plunge," 19.
- 727 A witness saw Levin . . . jumping: Ibid.
- **727** Eva's money . . . Belle who had gone to the bank: "Put Up the Cash for Davis 'Loan,' Says Miss Fox," *CDT*, May 23, 1941, 17.
- **727 Philadelphia . . . negotiating the terms**: "Appendix to Brief for Appellant," *U.S. v. William Fox*, No. 7867, United States Circuit Court of Appeals for the Third Circuit, at 46a–47a. Box 15, 118 Files, US-DK.

- **727 March 22... cases before his court**: "Statement of William Fox" (Part 1), Mar. 22, 1941, 1. Box 15, 118 Files, US-DK.
- **727** March 24 . . . grand jury in Philadelphia: "Davis Jurors Hear Fox and Daughter," *PEB*, Mar. 24, 1941.
- **728 He didn't want favors**: William Fox testimony, Trial transcript, May 21, 1941, at 449. US-DK.
- 728 "I was prepared to tell": Ibid., 447.
- **728 only one of the three . . . Judge Guy K. Bard**: "U.S. Indicts Ex-Judge Davis, Wm. Fox, M. S. Kaufmann [sic]; Movie Man Pleads Guilty," *PEB*, Mar. 28, 1941.
- **728 windowless, walnut-paneled**: "Wm. Fox Pleads Guilty To Bribing U.S. Judge," *MPH*, Apr. 5, 1941, 52.
- **728 in a low voice, "Guilty":** "U.S. Indicts Ex-Judge Davis, Wm. Fox, M. S. Kaufmann [*sic*]; Movie Man Pleads Guilty."
- **728 pulled a roll of cash... five \$1,000 bills**: "Inquiry Goes On," *NEN*, Mar. 29, 1941.
- **728 Appearing hours later**: "U.S. Indicts Ex-Judge Davis, Wm. Fox, M. S. Kaufmann [*sic*]; Movie Man Pleads Guilty."
- **728 trying to walk away, reluctantly submitted**: "Davis Is Balky at First about Fingerprints," *PEB*, Mar. 28, 1941.
- **728 showed up the next morning**: "Kaufman Gives Up, Posts \$5,000 Bond," *PEB*, Mar. 29, 1941, 12.
- **728 two years in federal prison and a \$10,000 fine**: "William Fox and Former U.S. Judge Indicted," *CDT*, Mar. 29, 1941, 6.
- **728 jurors' eyes widened**: Julia Shawell, "Bankers Trace \$1,000 Bills at Davis Trial," *Philadelphia Daily News*, May 22, 1941.
- **728 traced the five \$1,000 bills . . . Mary Firestone**: "Links Up Bills In Davis Case," *NEN*, May 22, 1941.
- **729 Davis, now seventy-four**: I. Gainsburg statement, Trial transcript, May 28, 1941, at 1636. US-DK.
- **729** "confessed criminal" . . . "other crimes": William Gray statement, Trial transcript, May 29, 1941, at 1669. US-DK.
- 729 haven't got the slightest fear: Ibid., 1690.
- **729 forty years . . . Bible class**: J. Warren Davis testimony, Trial transcript, May 26, 1941, at 1230. US-DK.
- **729 clearing land . . . hauling rails**: Ibid., 1218.
- 729 "While I have been poor": Ibid., 1232.
- 729 "with no conscience": I. Gainsburg statement, Trial transcript,

- May 28, 1941, at 1640. US-DK.
- 729 "despicable liar": Ibid., 1618.
- 729 "vicious mind" and "lecherous thoughts": Ibid., 1630.
- 729 "satanic, vicious look": Ibid., 1623.
- 729 "less reliable than the yellowest cur": Ibid., 1618.
- **729 "One minute, gentlemen"**: Judge Robert N. Pollard statement, Trial transcript, May 22, 1941, at 618. US-DK.
- **730 died in May 1937**: Alma N. Steedle testimony, Trial transcript, May 23, 1941, at 895. US-DK.
- **730 written reports inadmissible . . . had seen Davis and Kaufman:** Walter H. Gahagan statement, interview with Harry McDougall, Sept. 12, 1941, at 3. Box 14, 118 Files, US-DK.
- **730 rather than intending to commit a crime**: William Fox testimony, Trial transcript, May 20, 1941, at 354. US-DK.
- 730 "I was hoping that justice": Ibid., 352.
- **730 Around 10:15 . . . deliberation:** John M. McCullough, "U.S. Seeks Re-Trial of Davis, Kaufman Shortly After July 1," *PI*, May 31, 1941, 2.
- **730 eleven men and one woman**: "Retrial of Davis Listed For Mid-July; Boston Judge Will Preside," *Philadelphia Record*, June 17, 1941.
- **730 six to six:** "Third Davis Trial Is Being Planned," *PEB*, Aug. 23, 1941.
- **730 a well-known jury fixer**: E. A. Tamm memo to J. Edgar Hoover, Feb. 10, 1939, 12. Reel 8, FBI Confidential Files microfilm.
- **730 present during jury selection**: "Davis and Kaufman Lose 2 Moves as Trial Opens," *PEB*, May 19, 1941, 18.
- **730 notorious associates . . . loitering**: H. J. Pharies, FBI Report, Sept. 9, 1941, 10. Box 15, 118 Files, US-DK.
- 730 lasted for twenty days: "Third Davis Trial Is Being Planned."
- **730 diabetes treatment every morning:** Robert T. Paul, "Defense Renews Fox Quiz today on 'loans' to Davis," *Philadelphia Daily News*, Aug. 1, 1941.
- **730 He looked pale**: Ibid.
- **730 couldn't recall details**: Walter H. Gahagan Jr., to Wendell Berge, Aug. 11, 1941, 2. Box 15, 118 Files, US-DK.
- **730** "always something the matter": William Fox testimony, Trial transcript, Aug. 4, 1941, at 907. US-DK.

- **730 "I frankly cannot"**: Walter H. Gahagan Jr. to Wendell Berge, Aug. 11, 1941, 2. Box 15, 118 Files, US-DK.
- **730 nine men and three women:** "Third Davis Trial Is Being Planned."
- 731 seven for conviction and five for acquittal: Ibid.
- **731 American Legion employee**: "Statement of Edward L. Slocum, Juror," Sept. 12, 1941, 2. Box 14, 118 Files, US-DK.
- **731 close-minded bullies**: Interviews with Walter H. Gahagan Jr.: Charles F. Hetrick Aug. 25, 1941, 1–2; Wesley L. Beam, Aug. 26, 1941, 2; and Robert T. Levins, Aug. 27, 1941—all from Box 14, 118 Files, US-DK.
- **731 jumped up . . . "hell freezes over"**: Wilson S. Rohrbach interview with Walter H. Gahagan Jr., Aug. 26, 1941, 4. Box 14, 118 Files, US-DK.
- **731 would take dynamite**: Thomas F. Kelly interview with Walter H. Gahagan Jr., Aug. 26, 1941, 1. Box 14, 118 Files, US-DK.
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- **731 "Bedlam" . . . "At no time":** Charles F. Hetrick interview with Walter H. Gahagan Jr., Aug. 25, 1941, 4 + 6. Box 14, 118 Files, US-DK.
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PHOTOGRAPH SECTION





Both of Fox's parents influenced him profoundly: his father as a negative example of leadership and his mother as a source of infinite faith and courage. No early photos of them are known to exist, but once William became successful, he refashioned their images as he thought they ought to be: Michael became "an early version of Adolphe Menjou," while Anna—the model for many saintly, self-sacrificing Fox Film mothers—received expensive clothes, furs, and jewelry. (Author's collection)



Through an astute business alliance with corrupt but charismatic Tammany Hall politician "Big Tim" Sullivan, Fox emerged as a leading Manhattan movie exhibitor in the early 1910s. (Bain News Service, Library of Congress)



Fox's first runaway hit, *A Fool There Was* (1915), starred previously unknown actress Theda Bara as a "vamp" who gleefully ruins men through sex. (Courtesy of the Academy of Motion Picture Arts and Sciences)



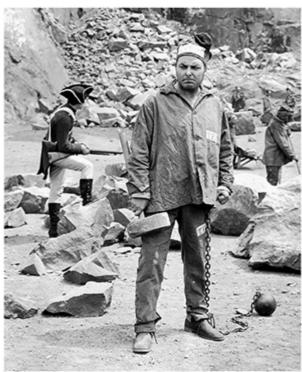
The screen's first brand-name sex symbol, Theda achieved her greatest triumph in Fox's lavish *Cleopatra* (1917). To her left is Thurston Hall as Antony; to the right are Dorothy Drake as Charmian and Art Acord as Kephren. (Courtesy of Phillip Dye)



Fox Film's top male star during the 1910s and early 1920s, William Farnum embodied Fox's vision of manliness as a combination of physical strength, moral courage, and social adeptness. Farnum, circa 1915–1916.



In the "virile" Western Fighting Blood (1916).



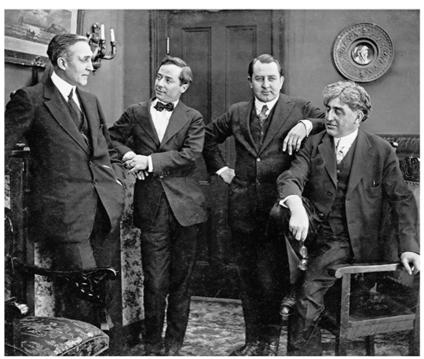
As Jean Valjean in Les Miserables (1917), "a soul transfigured

and redeemed, purified through heroism and glorified through suffering." (All photographs from author's collection)



Bent on establishing a lasting legacy, Fox allegedly spent a record \$1 million on the fantasy love story *A Daughter of the Gods* (1916). Star Annette Kellermann survived daredevil stunts involving crocodiles, 25-foot waves, and a 103-foot dive.

(Author's collection)



Generally unimpressed by actors, Fox believed that directors and writers were the primary architects of motion picture success. Among his early directing staff, seen here circa 1915–1916, were the elegant, statesmanlike J. Gordon Edwards (Cleopatra, Salome); "boy genius" Herbert Brenon (A Daughter of the Gods); Frank Powell (A Fool There Was); and Edgar Lewis (The Nigger and The Bondman). (Courtesy of the Academy of Motion Picture Arts and Sciences)



Aiming for cultural respectability, and copyright-free material, Fox made many of his early movies from classic stories. *The Scarlet Letter* (1917) starred frequent Fox Film villain Stuart Holmes as Arthur Dimmesdale, Mary Martin as Hester Prynne, and Kittens Reichert as Pearl. (Author's collection)



The first of the "Fox Kiddie Features," *Jack and the Beanstalk* (1917) starred eight-foot-six Jim Tarver, four-year-old Virginia Lee Corbin (*left*), and five-year-old Francis Carpenter (*right*). (Author's collection)



After the United States entered World War I on April 6, 1917, Fox threw the studio's weight behind jingoistic propaganda efforts. Pausing from her role as *Cleopatra* (1917), Theda Bara greeted U.S. Army Major General Hunter Liggett on the set in Los Angeles. (Author's collection)



Fox expected all his stars, such as ingénue June Caprice, shown here in a wartime studio publicity still, to demonstrate ardent patriotism. (Author's collection)



"There are 10,000 Foreign Enemy Secret Police Lurking and Scheming in the United States," warned advertising for Fox's first pro-war movie, *The Spy* (1917), which depicted Germans as pompous, posturing dolts. The movie starred Dustin Farnum (brother of William) and his future wife, Winifred Kingston. (Author's collection)



Fox had high hopes for the talented actress Jewel Carmen and starred her opposite William Farnum in *A Tale of Two Cities* and *Les Miserables*, but her troubled past and his stubborn nature ruined her chance at major stardom. (Author's collection)



Given a second chance at Fox Film, broken-down cowboy actor Tom Mix became one of the studio's most consistently profitable stars, "the rent man" to many exhibitors. In *3 Gold Coins* (1920), he appeared with his frequent costar and loyal sidekick, Tony the Wonder Horse. (Author's collection)



A predilection for melodrama, rooted in Fox's early experiences of privation and struggle, would always characterize Fox Film's release slate. In *Stolen Honor* (1918), Virginia Pearson played an artist who is framed by a romantic rival for the theft of a valuable painting. (Author's collection)



When his lack of a nationwide theater circuit forced him to scale back production costs in the postwar years, Fox came up with his "mother love" triumph, *Over the Hill* (1920). Made for \$100,000 and relentlessly promoted, the movie earned more than \$3 million. It would always remain a personal favorite for Fox. (Author's collection)



Head of Fox Film's Western Avenue studio since 1917, Fox's former private secretary Sol Wurtzel suffered torrents of abuse from his ever-watchful boss. In 1921, according to a colleague, Wurtzel had a nervous breakdown. (Courtesy of the Academy of Motion Picture Arts and Sciences)



In 1924, Fox returned to the industry's forefront with *The Iron Horse*, an epic romantic drama about the building of the transcontinental railroad. Starring George O'Brien and Madge Bellamy, the movie became a critical and commercial success and established John Ford as one of Hollywood's leading directors. (Image courtesy of the Academy of Motion Picture Arts and Sciences; permission courtesy of Twentieth Century Fox, *The Iron Horse* © 1924)



Fox always credited his wife, Eva, as a key to his success. (Courtesy of Susan Fox-Rosellini)



For Fox, golf was a passion, his only form of recreation. Seen here in 1924 at the Woodmere Club, adjacent to Fox Hall on Long Island, he had to play one-armed because of a childhood accident that crippled his left arm. (Author's collection)



Fox Film's general manager in charge of sales for a decade, Winfield R. Sheehan officially became head of production in 1926. With questionable accuracy, he would claim credit for ushering in the studio's boom years. (Author's collection; permission courtesy of Twentieth Century Fox)



What Price Glory (1926), which depicted exuberant young U.S. Marines sent out into an apocalyptic "rain of blood and steel," revealed Fox's true feelings about the folly of the Great War. The movie starred (from the left) Victor McLaglen, Dolores Del Rio, and Edmund Lowe; next to them are co-writer and war veteran Laurence Stallings and director Raoul Walsh. (Author's collection; permission courtesy of Twentieth Century Fox, What Price Glory © 1926)



Another of Hollywood's great directors, Howard Hawks, got his start at Fox Film. Although his first movie there failed, his next project, the romantic comedy *Fig Leaves* (1926), with George O'Brien and Olive Borden, became an instant hit. (Author's collection; permission courtesy of Twentieth Century Fox, *Fig Leaves* © 1926)



Among all Fox Film directors, Frank Borzage probably came closest to matching Fox in sensibility. Soaringly romantic yet acutely realistic, Borzage paired Charles Farrell and Janet Gaynor in three incandescently beautiful movies about true love in a fallen world: 7th Heaven (1927), Street Angel (1928), and, shown here, Lucky Star (1929). (Author's collection, permission courtesy of Twentieth Century Fox, Lucky Star © 1929)



In a rare moment, publicity-averse Fox posed with Sol Wurtzel (*left*) and Frank Borzage on the Fox lot, circa 1926–1927. The studio was entering a golden age of artistic achievement. (Image courtesy of the Academy of Motion Picture Arts and Sciences; permission courtesy of Twentieth Century Fox)



Sunrise (1927), for which Fox gave the German director F. W. Murnau complete artistic and financial freedom, now stands as one of Hollywood's greatest silent movies. (Author's collection; permission courtesy of Twentieth Century Fox, Sunrise © 1927)



Anticipating an enthusiastic welcome for *Sunrise* from American audiences, Fox personally saw Murnau off when the director sailed from New York in early 1927 to fulfill remaining obligations in Germany. Their smiles would soon fade. (Courtesy of Quigley Photographic Archive, GTM720825, Georgetown University Library, Booth Family Center for Special Collections)



Despite disappointment over *Sunrise* and Murnau's subsequent movies, Fox Film's fortunes soared in the late 1920s. Director John Ford had a particularly deft touch in pleasing both the boss and mass audiences: his *Four Sons* (1928) blended "mother love" with strong antiwar sentiments. (Author's collection; permission courtesy of Twentieth Century Fox, *Four Sons* © 1928)



To ensure optimal results for his revolutionary Movietone sound technology, Fox didn't release his first talking feature film, *Mother Knows Best*, until more than a year after Warner Bros.' *The Jazz Singer*. Louise Dresser (*left*) and Madge Bellamy starred as mother and daughter. (Author's collection; permission courtesy of Twentieth Century Fox, *Mother Knows Best* © 1928)



Attempting to atone for earlier, awkward depictions of race, Fox made *Hearts in Dixie* (1929), the first Hollywood feature with an (almost) all-black cast. Accomplished stage actor Clarence Muse played a former slave who sells his farm and sacrifices his longing for companionship in order to send his young grandson (Eugene Jackson) north for an education. (Author's collection; permission courtesy of Twentieth Century Fox, *Hearts in Dixie* © 1929)



Fox wanted to cancel *The Valiant* (1929) because he didn't believe star Paul Muni was handsome enough to appeal to female audiences. He reluctantly changed his mind, and Muni earned a Best Actor Academy Award nomination for his performance. (Author's collection; permission courtesy of Twentieth Century Fox, *The Valiant* © 1929)



A freak car accident on July 17, 1929, changed the course of Fox's life and, ultimately, that of the Fox motion picture empire. To the right, covered with a blanket, lies the dead body of Fox's chauffeur, Joseph Boyes. (Courtesy of the Academy of Motion Picture Arts and Sciences)



To offset rumors that he had suffered serious brain damage, Fox —seen here with reporters on the Fox Hall lawn—held a press conference at his home in mid-October 1929. (Author's collection)



Following the stock market crash, Fox hired future U.S.
Supreme Court chief justice Charles Evans Hughes to help him save his companies from financial predators. As seen here,
Hughes promptly went on vacation with his wife to Bermuda,
abandoning his client to an unsympathetic law partner.

(Author's collection)



Despite receivership petitions, stockholders at the March 5, 1930, special meeting overwhelmingly endorsed Fox's leadership. To his right is "gladiator" lawyer Samuel Untermyer; at his left is James Francis Burke; and behind Fox, to the left and facing left, is his close friend Albert M. Greenfield. (Courtesy of the Academy of Motion Picture Arts and Sciences)



Backed by the Chase Bank, Chicago-based utilities magnate Harley L. Clarke drove Fox out of Fox Film and Fox Theatres in April 1930 and promptly wrecked both companies. (Author's collection)



Rather than give young John Wayne a \$25 weekly salary increase, Clarke's administration dismissed him, despite his widely praised performance in *The Big Trail*. (Image courtesy of the Academy of Motion Picture Arts and Sciences; permission courtesy of Twentieth Century Fox, *The Big Trail* © 1930)



Chase Bank head Albert H. Wiggin chose not to help William Fox; over the next three and a half years, the bank lost \$69.6 million trying to prop up Fox's incompetent successors.

(Author's collection)



Broken by the loss of his companies, Fox fraudulently filed for bankruptcy and bribed federal judge J. Warren Davis, seen here (*right*) with his attorney, William A. Gray, during a recess from his May 1941 corruption of justice trial. (*Philadelphia Record* photograph morgue, Historical Society of Pennsylvania)

ABOUT THE AUTHOR

Vanda Krefft is a former entertainment industry journalist whose work has appeared in national magazines and newspapers. She has a BA in English and an MA in communication, both from the University of Pennsylvania, and is a member of Phi Beta Kappa. *The Man Who Made the Movies* is her first book. In support of the work, she received fellowships and grants from the Leon Levy Center for Biography, the Dedalus Foundation, the Historical Society of Pennsylvania, the Historical Society of Southern California, the American Jewish Archives, the Lilly Library at Indiana University, the Hagley Museum and Library, and the Ludwig Vogelstein Foundation, and was also awarded residencies at the Helene Wurlitzer Foundation and Wildacres Retreat.

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* Loew's and M-G-M president Nicholas M. Schenck had also vigorously denied the rumor, branding it "maliciously created, possibly with the idea of stock manipulation" and "utterly false" ("Lies' Is Comment of William Fox On Reported Loew's-M-G-M Deal," *Film Daily*, Dec. 11, 1928, 1; "Schenck Hits Loew-Fox Rumor As Deliberate Misstatement," *Exhibitors Herald-World*, Jan. 26, 1929, 21).

* The lack of recognition wasn't surprising: photo of himself in about fifteen years.	Fox	hadn't	issued	a new	publicity

* Fox referred to the town as "Tul- name, with "Tolscva" as a variant spe	chva," but elling.	"Tolcsva" is	now the	e accepted

* One of the worst snowstorms in U.S. history, the 1888 blizzard known as "the Great White Hurricane" dumped piles of snow up to fifty feet high throughout the Eastern seaboard from Maryland to Maine. An estimated four hundred people died, some one hundred of them in New York City.

* Twain's remark alludes to the Westminster Catechism of 1647, which begins, "What is the chief end of man?" and goes on to respond, "Man's chief end is to glorify God and to enjoy Him forever."

* In another version of the story, the boxer's name was Spike McCarthy, the show was held at Clarendon Hall on the corner of Thirteenth Street and Third Avenue, and it wasn't Spike who assaulted Cliff Gordon, but angry audience members, who threw both boys out into the street. (Herbert Corey, "Comedy Team's Trials," *Chicago News*, Nov. 5, 1912.) In yet another telling, Gordon got one eye blackened by a stranger and the other by the social club's secretary. ("Black Eye Nucleus of Great Fortune," *Duluth News Tribune* (Duluth, MN), Jan. 4, 1914, 10.) To Fox, it was all basically the same story—only the facts were different.

* Fox had changed jobs several times since going to work for G. Lippmann and Sons (Transcript of William Fox interview with Upton Sinclair, Sinclair MSS, Lilly Library, Indiana University [hereafter Transcript], 10).

* Cloth shrinking, also called clo preshrink it before manufacturer	th sponging, was a process of steaming fabric to es cut the material into garments.

* Benjamin Moss and his brother Paul went on to build and operate a chain of movie theaters. Benjamin Moss also produced several movies during the mid-1910s ("Moss Announces Initial Subject," *Moving Picture World*, Sept. 16, 1916, 1843).

* Mona's official first name was Caroline. Fox family members do not know why Caroline was called Mona.

* The Automatic Vaudeville Company was owned by two other future movie studio founders, Adolph Zukor of Paramount Pictures and Marcus Loew of the Loew's theater chain and M-G-M.

* Although Upton Sinclair would later write that Fox had also been thrilled by the 1903 twelve-minute film *The Great Train Robbery*, in the transcript of their interview, Fox said he couldn't remember any of it and referred to it as "the movie with the gun you spoke about" (Upton Sinclair, *Upton Sinclair Presents William Fox*, [Los Angeles: Upton Sinclair, 1933], 34).

* The *New York Evening World* was particularly zealous. One headline read, "Vile Moving Pictures Corrupting the Morals of Countless Children," and another, "Health as Well as Morals of Children Is Menaced in Cheap Movie Theatres."

* "Illustrated songs" used lantern slides of images and text projected onto the movie screen (Rebecca Leydon, Review of *The Sounds of Early Cinema*, by Richard Abel and Rick Altman, *Journal of the American Musicological Society* 58, no. 1 [Spring 2005]: 231).

* Bingham applied that description specifically to "Russian Hebrews," but went on to castigate "Hebrews" in general as conniving, skilled criminals.

* Big Tim Sullivan was the vice president of the Max Hochstim Association (George Kibbe Turner, "Tammany's Control of New York by Professional Criminals," *McClure's Magazine*, June 1909, 121).

* Born Paolo Antonio Vaccarelli, Kelly changed his name to fit in with the Irish power brokers. He adored Big Tim and kept a large portrait of him on a wall at his "Little Naples" bar on Great Jones Street ("Gangsters Again Engaged in a Murderous War," *New York Times*, June 9, 1912, SM1; Turner, "Tammany's Control of New York by Professional Criminals," 125).

* The payment of \$20,000 was in the form of four \$5,000 promissory notes, secured by a mortgage on property Fox owned at 50 and 52 West 3rd Street (William Fox statement, ECC-USKF, at 15).

* Often five one-reel films were outside ("Dewey Theatre," <i>Variety</i>	shown, , Dec. 19	but fewer, 1908, 13).	if a	crowd	was	waiting

* He later added Riverside's sloped	a small, roof.	open-air	movie	theater	with	folding	chairs	on	the

* These were the Academy Washington, and the Nemo.	of	Music,	the	Star,	the	New	York	Roof,	the

* Fox appears to have sold this boat in 1916 and later to have bought a fifty-foot cruiser, which he also named the *Mona Belle* ("Morton F. Plant Challenges for Two Historic Yacht Cups," *Brooklyn Daily Eagle*, Aug. 14, 1916, 3; "Yacht Is Disabled, Sailor Saved from Sea," *Brooklyn Daily Eagle*, June 18, 1930, 13).

* In 1876, Edison established his research laboratory neighborhood of Raritan Township, New Jersey.	in	the	Menlo	Park

* Although he was severely hearing-impaired, Edison's favorite among his own inventions was the phonograph. He loved music—it was "so helpful to the human mind." (Thomas Edison, *The Diary and Sundry Observations of Thomas Alva Edison* [New York: Philosophical Library, 1948], 169–70).

* The number is in dropped out.	mprecise becaus	se as new theat	ters signed on, o	existing licensees

* T	This was	the Pujo d Curreno	o Committe	e, a su	ıbcommit	tee of	the	House	Committee	on
Dai	nking an	a Curren	zy.							

* The city bought most of the Dreamland site for \$1.8 million, and the New York City Aquarium now stands there ("Last of Dreamland Sold for \$407,750," *New York Times*, Mar. 23, 1921, 31).

* The Metropole Hotel was owned by John Considine, Big Tim's partner in the Sullivan and Considine vaudeville theater circuit (M. R. Werner, *Tammany Hall* [New York: Doubleday, Doran & Company, 1928], 501).

* Becker wouldn't reveal this alleged conversation with Big Tim until July 1915, when he made an unsuccessful eleventh-hour appeal to avoid execution. By that time, Big Tim was dead ("Becker Counsel To Be Heard On Monday in Appeal for New Trial," *New York Herald*, July 24, 1915, 1).

* Big Tim had won that position in the 1902 election, but seldom attended roll call, made no speeches, and distinguished himself only by winning the congressional pinochle championship. In 1905, "disgusted" by Congress's slow pace, he quit (Werner, *Tammany Hall*, 508; "Sullivan Sizes Up His Job," *New York Times*, Mar. 21, 1905, 1).

* Ironically, New York State's 1911 Sullivan Law (sponsored by Big Tim) made it a felony to carry or attempt to use a blackjack, bludgeon, or sandbag ("Stricter Weapons Law," *New York Times*, May 30, 1911, 1).

* Big Tim's funeral was filmed by the Gotham Film Company, which released the footage in 1914 as part of a four-reel feature, *The Life of "Big Tim" Sullivan or from Newsboy to Senator* (Gotham Film Co. ad, *Motion Picture News*, Mar. 28, 1914, 13).

* The city's Building Bureau agreed with Fox and soon closed down the Dewey as a fire hazard ("Fighting to Reopen Old Dewey Theatre," *New York Times*, July 13, 1915, 8).

* The estate paid off Margaret Catherine Sullivan, previously unknown publicly as Big Tim's child, with \$50,000 from a life insurance policy.

* In its landmark May 1911 ruling against Standard Oil, the U.S. Supreme Court had established the "rule of reason" as the guiding principle for antitrust cases. That is, it didn't matter what the initial purpose of a business combination had been. All that mattered were the effects: if the combination restrained trade, it was illegal.

* Otherwise, sm financial obstacle existed.	all business of having to	owners would prove all over	have faced again that a	the insurmo n illegal comb	untable oination

* Edwards has been remembered mainly as the step-grandfather of director Blake Edwards, whose movies include <i>Breakfast at Tiffany's</i> , <i>Days of Wine and Roses</i> , and the <i>Pink Panther</i> series.

* Henry Belmar is sometimes cited as the director of *Life's Shop Window* (Terry Ramsaye, "The Romantic History of the Motion Picture," *Photoplay*, Oct. 1924, 124), but Edwards got credit in the ads (Fox Film ad, *Life's Shop Window, Motion Picture World*, 142).

* The others were McCarter.	Nathaniel	King,	Anthony	Kuser,	Thomas	McCarter,	and Uzal

* In mid-January 1915, Prudential was mutualized—that is, the company bought back its own shares for \$455 apiece and redistributed ownership among policyholders ("Prudential Shifts to Mutual Basis," *New York Times*, Apr. 1, 1943). Because Fidelity Trust owned nearly half of Prudential's 40,000 shares, it received a \$3 million profit. Rather than keep the money in the bank vault, Fidelity president Uzal McCarter decided to distribute it to stockholders—who were mainly McCarter, his brother Tom, and Forrest Dryden—as an astonishing 375 percent dividend. A key point in the plan was that although Fidelity Trust was considered to have bought its 19,993 Prudential shares in 1902 for \$6 million, it had never actually paid for them and Prudential had never bothered to ask for the money ("Trust Co. Declares a 375 P.C. Dividend," *New York Times*, Jan. 26, 1915, 13; "Dryden Now Faces Contempt Penalty," *New York Times*, June 23, 1921, 1).

* Fox claimed to have coined the term *photoplay* during a 1909 conversation with John Zanft, then a *New York Morning Telegraph* vaudeville reviewer and later a Fox Theatres executive ("Fox Takes Credit for Coining Word," *Salt Lake Telegram*, July 15, 1916, 9; Lester A. Walton, "Music and the Stage," *New York Age*, July 21, 1910, 6).

* The concept, which referred not to a fanged, Dracula-like creature, but to a woman who overpowers men through sexual seduction, was originated by Rudyard Kipling in his 1897 six-stanza poem, "The Vampire." The first four words, "A fool there was" (the siren's victim), gave playwright Porter Emerson Browne the title of his stage adaptation.

* This was not the first use of the shortened version of "female vampire." The term *vamp* appears in the press as early as 1910 to describe the persona of Katharine Kaelred, who played the siren's role onstage ("The Original 'Vamp," *Variety*, Apr. 23, 1910, 4).

* In addition to Walsh and J. Gordon Edwards, these included Oscar C. Apfel, Will S. Davis, Frank Powell, Herbert Brenon, Edgar Lewis, and Marshall Farnum. Allan Dwan was also announced, but he does not appear to have joined Fox Film at this time ("Fox Draws 4 More Directors of Note to His Standard," *Motion Picture News*, June 12, 1915, 37).

* A Celebrated Scandal, Anna Tell?, and The Song of Hate.	Karenina, A	Woman's Res	urrection, Shou	ld a Mother

* Nansen never directed a movie for Fox, as her contract would have permitted.

* Although only two movies remain from Theda's career at Fox Film— <i>A Fool There Was</i> (1915) and <i>East Lynne</i> (1916)—the others were widely written about and reviewed.

* Although it was released in September 1915 after at least four other of her Fox movies, Theda said that *The Two Orphans* was the fourth movie she made for the studio (Theda Bara, unpublished autobiography, 112, Archives and Rare Books Library, University of Cincinnati).

* A dynamo is an electrical generator that produces direct current with the u of a commutator.	se

* Brenon's *The Fall of the Romanoffs* had its first showing on September 6, 1917, but that took place at New York's Hotel Ritz-Carlton as a private showing. Brenon was so upset when Brady, one of the guests, bragged about his earlier release date that the two got into a fistfight in the hotel lobby; Adolph Zukor helped separate them ("Brady and Brenon in A Fist Battle," *New York Times*, Sept. 7, 1917).

* In 1925, Beyfuss committed suicide by shooting himself in the head in his room at New York's Shelton Hotel ("Mirror Aids Him in Suicide," *New York Times*, Jan. 9, 1925, 19). Beyfuss, thirty-five and apparently in good health, had been out of the movie business for a year or two. No one knew his reasons ("Alex. Beyfuss, Suicide," *Variety*, Jan. 14, 1925, 23).

* The name was changed in 1938 to Laguna Dominguez. (Erwin G. Gudde, *California Place Names* [Berkeley and Los Angeles: University of California Press, 1969], 92.)

* Also known to history as Augustus. In <i>Cleopatra</i> , he is called Octavius ("Cast," <i>Cleopatra</i> script, courtesy of Phillip Dye).

* Funkhouser had many other enemies, including D. W. Griffith, whose *Hearts of the World* he had tried to chop up. ("Ask Wilson to Stop War Film Change," *New York Times*, Apr. 29, 1918, 11.)

* Child labor was a time signed into law the first f	ely topic. On Septem Tederal child labor le	iber 1, 1916, Preside	ent Wilson had g-Owen Act.

* Les Misérables had been Big Tim Sullivan's favorite literary work (Alvin F. Harlow, Old Bowery Days: The Chronicles of a Famous Street [New York: D. Appleton, 1931], 512).

* Fellow silent William Smith.	film acto	r Franklyn	Farnum	was	no	relation;	his	real	name	was

* Fitzgerald would include the possibility of a background like Fox's for his character. Although Gatsby is actually from North Dakota, narrator Nick Carraway says he "would have accepted without question the information that Gatsby sprang from . . . the lower East Side of New York." Gatsby may even have been Jewish: his birth name was James Gatz. In creating Gatsby's world, Fitzgerald borrowed facts from Fox's reality. Tom Buchanan was rumored to have been modeled after Fox Film investor Tom McCarter, and Gatsby's gangster friend Meyer Wolfsheim boasts of having been at Herman Rosenthal's table at the Hotel Metropole on the night of his murder. Wolfsheim, however, mistakenly gives the time of the shooting as 4:00 a.m. instead of 2:00 a.m.

* <i>The Prussian Cur</i> was based on the memoirs of convicted German spy Captain Horst von der Goltz, who also appeared in the movie as "Otto the Skunk."

* In 1906 and 1907, Vitagraph and Edison established sales representatives in Europe. (Kristin Thompson, *Exporting Entertainment: America in the World Film Market, 1907–1934* [Great Britain: BFI Publishing, 1985]: 3–4.) Both companies had faded by the mid-1910s and neither aggressively pursued the rest of the world.

* It isn't known which particular Fox movies used Trotsky in front of the camera. Perhaps he might still be recognized. A reporter who met Trotsky at the time described him as a "little, sharp-faced man" with a "great pompadour of wheat-colored hair" and "pale, washed out, blue eyes" that looked out angrily from behind thick-lensed glasses (Achmet Hassan, "Inside Picture of Trotsky, Once Known as Braunstein," *Times Picayune*, Nov. 9, 1919, 12).

* Ended June 30.

* In 1917, Fox Film's foreign manager estimated that 90 percent of the movies shown worldwide were U.S.-made ("Fox Extends World Service," *Moving Picture World*, Apr. 14, 1917, 260).

* Lawson was born Helen Elizabeth Larsen, the daughter of a Norwegian immigrant. Upon entering show business, she changed her last name to Lawson. (Chris Jacobsen, Sweden, e-mail to the author.)

* Woods also hoped to sell the movie rights for at least \$200,000. Theda, who months earlier was "definitely and permanently" leaving the screen, agreed to star for a half interest in the picture ("Theda Bara's Stage Salary Exceeds Her Picture Income," *Variety*, Mar. 12, 1920, 3).

* Lehrman denied the accusation and blamed the theft on his private secretary, who had conveniently died several weeks before. Both Lehrman and an alleged Fox Film accomplice were acquitted when the case went to trial in the spring of 1919.

* In the comedy realm, Charlie Chaplin had earned \$10,000 a week for fifty-two weeks under contract with the Mutual studio ("Mix's \$2,000,000 Fox Job," *Variety*, Jan. 21, 1925, 1).

* By contrast, in the summer of 1917, Fox advertised that his movies could be booked individually "and there is no obligation for you to take any picture that you do not want" (Fox Film ad, "Attention Exhibitors!", *Motion Picture News*, Aug. 18, 1917, 1077).

* The time capsule box is apparently still intact in t	he building's cornerstone.

* Among them were Allan Dwan, Thomas Ince, Mack Sennett, Maurice Tourneur, and Marshall Neilan.

* The relative told Fox he was angry at the New Jersey investors and wanted to upset the financial balance of power they had arranged. (Transcript, 68.)

* Godsol was exonerated in March 1919 because although French law prohibited such commissions, apparently no U.S. law forbade Americans from influencing foreign officials in awarding war supply contracts. ("Charge Goldsoll [sic] Stole Millions," New York Times, Mar. 17, 1918, 3; "Godsol's Brother Suicide in Hotel," New York Times, Nov. 2, 1921, 1.)

* Farnum later reignited his film career, appearing in more than twenty movie between 1930 and 1952, although mostly in small supporting parts. He neve came close to reclaiming the first-class stardom he'd known at Fox Film.									

* Mix's claim to have done all his own stunt work has been disputed.	

* In buying the land, Fox again confronted the meanness of prevailing social attitudes: the corporation grant deed required him never to sell or rent any part of the property to "any person who is not of the white or caucasian race" (Corporation Grant Deed, May 1924, Fox Legal Collection). Such restrictive covenants were common in Los Angeles at the time.

* Upon learning that Grainger was about to leave, M-G-M executives panicked, met his demands, and pleaded with Fox Film to cancel Grainger's contract. Sheehan refused, saying, "This is business, not a tea party" ("Inside Stuff on Pictures," *Variety*, Apr. 1, 1925, 34).

* At the time, it wasn't unusual for a company to issue two classes of stock, but customarily the "A" was the voting stock and the "B" nonvoting. Fox thought his company ought to be different, and reversed the order (Transcript, 69).

* Since buying investors, Fox 50,000.	; 10 shares from had acquired a	the disgruntle another 91 sha	ed relative of or res above his o	ne of the New J original allotme	ersey nt of

* In 1953, the Curb Mark	ket became known a	s the American Stock E	Exchange.

* The other 500,000 Class A shares remained in the Fox Fit for later sale.	lm treasury, available

* The Ingleton collection included not only many rare books obtained worldwide, but also forty years' worth of national and international magazines, postcards, prints, drawings, and copies of architectural designs dating back to ancient Rome. Fox hired Ingleton as director of the new Fox research library ("George Ingleton Research Library Acquired by Fox for Coast Plant," *Moving Picture World*, Feb. 6, 1926, 554).

* The property couldn't be touched until after the December 31, 1929, expiration of iron-clad leases with ground-floor merchants (Transcript, 214). Due to changed circumstances, Fox never built his own theater. Instead, after demolishing the existing structure, he put up a twelve-story office building and leased part of the property to H. L. Gumbiner, who built the Los Angeles Theatre there ("Gumbiner to Lease in L.A.," *Motion Picture News*, May 17, 1930, 45).

* West Coast owned 21,000 shares of First National's 75,000 all of the First National franchise for Southern California and of the New York franchise.	

* After the arrangement came to light in 1932, Fox wasn't criminally charged	

* Others were Fair Play, the father of Man o' War; The Finn, winner of the 1915 Belmont Stakes; and the French stallion Negofol.

* In April 1927 the Warners would buy out Rich's interest for \$1 million (Earl I. Sponable, "Historical Development of Sound Films," *Journal of the Society of Motion Picture Engineers* [April 1947]: 418; "Jackson Jury Fails," *Daily Argus*, [Mount Vernon, NY], Mar. 25, 1931, 1).

* Much	he	work	on	these	devices	was	done	by	Case's	assistant,	Earl	I.
or same												

* Case would later sell the stock back to Fox for \$1.5 million, but continued to run the Fox-Case laboratory until July 23, 1930 (Transcript, 171; E. I. Sponable, "Historical Development of Sound Films," *JSMPE* 48, no. 5 [May 1947]: 413).

* Western Electric engineers had also been working on sound-on-film since the early 1920s, but the company believed that sound-on-disk was more reliable (Edward W. Kellogg, "History of Sound Motion Pictures, First Installment," *Journal of the SMPTE*, June 1955, 296–97).



* Instead of using the Movietone score, the Los Angeles premiere had a live performance of the Carthay Circle orchestra (Janet Bergstrom, "Murnau, Movietone and Mussolini," *Film History* 17 (2005): 197).

* As an accommodation to the owners of several thousand U.S. theaters who had installed disk-only projection equipment—it was the cheapest system and, initially, Vitaphone had superior sound quality—other studios issued disk versions of their movies. Even Fox did so, beginning in April 1929. However, the disks were made by dubbing from the optical soundtracks. (Kyle Westphal, "On the Vitaphone: *Show Girl* in Hollywood," Aug. 8, 2011, www.chicagofilmsociety.org; "Fox Talkers Available On Discs in Two Weeks," *Film Daily*, Apr. 4, 1929, 1.)

* In July 1928, Western Electric began to relax that rule when it allowed Cecil B. De Mille's *King of Kings*, which had been made with RCA Photophone equipment, to be played on Western Electric equipment at the Rivoli Theatre in New York. By the end of 1928, Western Electric had formally agreed to allow interchangeability, so that movies made with other companies' equipment could be played in Western Electric-equipped theaters and movies made with Western Electric equipment could be played in theaters that had installed rival equipment. (W. E. Theisen, "Pioneering in the Talking Picture," *Journal of the Society of Motion Picture Engineers*, 36 [Apr. 1941]: 441.)

* The Mussolini speech and Italian Army scenes were filmed months earlier, on May 6, 1927 (E. I. Sponable, "Historical Development of Sound Films," *JSMPE* 48, no. 5 (May 1947): 409).

* According to Fox-Case's head of engineering, Earl I. Sponable, Western Electric did not commercially perfect the light valve method until 1930 (E. I. Sponable, "Historical Development of Sound Film," *International Projectionist*, Nov. 1947, 31). Film historian Donald Crafton has written that Western Electric began offering the light valve in 1929 and introduced a new improved version in December 1930 (Crafton, *The Talkies: American Cinema's Transition to Sound,* 1926–1931 [New York: Charles Scribner's Sons, 1997], 32 and 152).

* The cost was often reported as \$10 million, but that figure was misleading because it included \$3 million as the current value of the land, even though Fox had bought the entire site in 1923 for \$300,000. ("Fox Erecting Large Plant," *Los Angeles Times*, Oct. 1, 1928, A3; "Mr. Fox Entertains 50,000 at Model Movietone Plant," *Washington Post*, Oct. 28, 1928, A3.)

* Once before, by phonograph only, King George's voice had been recorded for the royal archives ("A Washingtonian Relates Experiences With Great," *Washington Post*, Nov. 25, 1928, A2).

* Ground distortion.	is	electronic	noise	that	manifests	as	a	hum,	hiss,	or	other

* Fetchit had also played a supporting role in the Fox comedy *The Ghost Talks*, made shortly before *Hearts in Dixie* ("Lincoln Perry's Letter," *Chicago Defender*, Sept. 29, 1928, 7).

* The voodoo Chorus.	woman	was	played	by	A.	C.	Н.	Bilbrew,	founder	of the	Bilbrew

* Equivalent to \$70,363 in 2017.

* Bellamy later identified her assailant as Los Angeles real estate broker Logan F. Metcalf. After being discarded by Sheehan in favor of another Fox Film actress, whom she did not name, Bellamy retaliated by marrying Metcalf in January 1928. The marriage lasted four days ("Madge Bellamy's Husband Gets Divorce," *Lewiston Daily Sun*, Apr. 26, 1928).

* Fox Film ha Theatres.	d owned some o	of Fox's theater	s before the 19	925 formation of	f Fox

* "Daily-change" theaters changed their film program every day and were bottom of the prestige scale.	at the

* By the time Fox actually consummated the deal, on February 28, 1929, Loew's share price had risen to \$84.

* The Meehan syndicate also paid \$24,915 to a newspaper syndicate to tout Fox Theatres stock. (Bradford Ellsworth testimony, Stock Exchange Practices Hearings, U.S. Senate, Part 3, June 1932, at 1065.)

* Section 16(c) of Securities Exchange Act of 1934 makes it unlawful directors and executive officers to engage in "short-selling" transactions.	for

* The \$20 million figure was Harry Stuart's rough estimate. ("Broker for Insull Made \$20,000,000," *New York Times*, Nov. 13, 1934, 21.) Evidence suggested the actual amount may have been much higher: in one day's trading in Insull securities, Halsey, Stuart made a paper profit of more than \$36 million. ("Traces Millions In Paper Profits to Insull Bankers," *New York Times*, Feb. 18, 1933, 1.)

* Receivership proceedings can be instituted when a company cannot pay its debts. The purpose is to preserve the company's assets in order to reimburse creditors as fully as possible. A court removes the existing management from authority and appoints a third party, or receiver, to take charge.

* Fox evidently was not invited to the inauguration.

* The average price of sound installation in the U.K. was \$25,000 (William Fox testimony, Stock Exchange Practices Hearings, U.S. Senate, Part 8, Nov.–Dec. 1933, at 3691).

* Nationwide prohibition took effect on January 17, 1920.

* Lucky Star, which opened on August 18, 19 and part talking movie, but only the silent vers	229, was released as both a silent sion has survived.

* In the long term as well, Fox was right. Although widescreen would not catch on for decades—in the case of Grandeur, for reasons that had little to do with merit—it was, as Fox had understood, the precise answer that the movie industry needed to fight back against the near-murderous blows dealt by television in the mid-1950s.

* Fox later (Transcript	that	his	only	serious	injury	had	been	a	loss	of	blood

* His instincts were correct. Within two years, Corporation Securities stock would be worthless (William Fox to Upton Sinclair, July 13, 1932, 5, Sinclair MSS, Lilly Library, Indiana University), and in 1933 a federal grand jury would indict three Insulls and two Stuarts on charges of mail fraud in connection with Corporation Securities ("Insull Grand Jury to Continue Work," *New York Times*, Mar. 1, 1933, 28).

 * The idea wasn't unprecedented. For one week in October 1920, Loew's sold its stock, successfully, in the lobbies of two of its Washington, DC, theaters ("Stock for Patrons Sold in Washington," Variety, Oct. 15, 1920, 3).

* Fox didn't have another \$2.5 million in cash to put, on the same \$30 basis, the 250,000 Loew's shares hypothecated with Greenfield's Bankers Securities for its \$10 million loan. Instead, Greenfield accepted an unmortgaged \$3 million office and theater building at Sixteenth and Market in Philadelphia (Transcript, 261–62).

* Several year later, Fox said he thought he met the theater purchase obligation by selling two Warner Bros. notes. (William Fox testimony, Stock Exchange Practices Hearings, U.S. Senate, Part 8, Nov.–Dec. 1933, at 3741.)

* Fox had received a pledge from Hoover via Claudius Huston—at least Fox believed this was what the president meant—that if he made the sale, the government would approve it in order to save the Fox companies (Transcript, 476).

* The Eastman Kodak loan also allowed Fox to reclaim thousands of shares of Fox Film and Fox Theatres stock. As collateral for the loan, Bankers Trust retained 140,000 Loew's shares (Fox Theatres to Bankers Trust Company, Dec. 2, 1929, attached to William Fox to Upton Sinclair, July 8, 1932, Sinclair MSS, Lilly Library, Indiana University).

* Otterson and Stuart were not necessarily out of line. Although Fox personally may have paid the premiums, \$5 million was payable to Fox Film and \$1.5 million to his estate ("Fox Insured for \$6,500,000," *Film Daily*, June 17, 1925, 1).

 * The nominal plaintiff was Ira M. Gast, a Rutherford, New Jersey, schoolteacher.

* In 1933, Kresel would be sentenced to eighteen months in prison for abetting misapplication of \$2 million in bank funds in connection with the failed Bank of United States ("Kresel Sentenced to 18-Month Term," *New York Times*, Nov. 28, 1933, 1; "Kresel Convicted in Bank of U.S. Case," *New York Times*, Nov. 16, 1933, 1).

* Although Eva did decorate Fox theaters, she received no salary and sometimes spent her own money for furnishings. Brother Aaron had bought into a company that already had a long-standing contract with twelve of the eight hundred Fox Theatres, and no further contracts had been granted ("Relatives Charge Assailed by Fox," *Motion Picture News*, Feb. 8, 1930, 41).

* The term "debenture" has no precise definition, but in the United States it usually describes corporate obligations not secured by a property lien. ("Restrictive Covenants in Debentures: The Insull Case," *Harvard Law Review* 49, no. 4 [Feb. 1936]: 620n1.)

* Evidently, she had fallen from 177th Street.

* Halsey, Stuart claimed that over the life of the two financing plans, its plan would have the further advantage of retiring \$20 million more debt than would the Bancamerica-Blair plan (Display ad, Halsey, Stuart refinancing plan, *New York Times*, Mar. 5, 1930, 41).

* Two state appellate courts soon unanimously overturned that ruling (Samuel Untermyer, "Why Justice Aaron J. Levy Should Be Defeated for Re-Election to the Supreme Court," Speech at Hunts Point Palace, Bronx, NY, Oct. 20, 1937, 7–8. Albert M. Greenfield Papers, Historical Society of Pennsylvania).

* ERPI's original May 1928 licensing agreements were with the Fox-Case Corporation on a gross revenue royalty basis, rather than with Fox Film on (as they were with all the other studios) a more advantageous per-reel royalty basis. Fox had agreed to sign new contracts but had never done so.

* In fact, the Bancamerica-Blair bankers wanted only to escape their contract with Fox. Secretly, they had arranged to split the Fox companies' refinancing with Halsey, Stuart. (Committee Exhibit No. 161, Stock Exchange Practices Hearings, U.S. Senate, Part 7, Nov. 1933, at 3599.)

 * The Bancamerica-Blair group got a 40 percent interest in marketing these Fox Film notes. (Murray W. Dodge testimony, Stock Exchange Practices Hearings, U.S. Senate, Part 7, at 3602.)

* For ancillary expenses, Clarke had his \$5 million loan from ERPI.	

* The othe Chase.	r four	directors	represented	financial	firms	closely	associated	with

* The cost of converting all U.S. theaters to widescreen was estimated at \$40 million (Philip K. Scheuer, "New Hit Made By Wide Film," *Los Angeles Times*, Oct. 5, 1930, B13).

* At that time, the Motion Picture Producers and Distributors of America, headed by Will Hays, declared itself opposed to the immediate adoption of widescreen for fear of the exorbitant expense—but announced that it would hire an engineer to spend a year investigating the best format. Clarke said only that he would scrap Grandeur if the expert recommended a width other than 70 mm ("Wide Film Declared Out," *Variety*, May 7, 1930, 5).

* In 1946 a U.S. House of Representatives judiciary committee report would label Judge Johnson "wicked and malicious" and conclude that since his appointment to the federal bench in 1925, almost every party who appeared before him "became the immediate object of a crooked conspiracy whose sole interest was the amount of money that could be extorted from him for justice or the evasion of justice" ("Former Judge 'Wicked,' House Body Asserts," *Chicago Daily Tribune*, Feb. 7, 1946, 18).

* After the vote, Fox tried to stay the consummation of the merger; he failed again. ("Refuses to Stay Fox Film Merger," <i>New York Sun</i> , August 28, 1935.)

* In September 1936, fifty-three people would be indicted for election fraud in Atlantic City ("53 Indicted in Jersey In Vote Fraud Cases," *New York Times*, Sept. 11, 1936, 4).

* Fox had personally guaranteed the last \$1 million payment on the Roxy; the additional \$250,000 of the judgment evidently represented interest and costs ("Statement of William Fox," (Part 2), Mar. 22, 1941, 1–2. Box 15, 118 Files, *United States v. J. Warren Davis, Morgan S. Kaufman, and William Fox*, NARA, Philadelphia).

* Some forty thousand reels were destroyed (David Pierce, "The Legion of the Condemned—Why American Silent Films Perished," *Film History* 9, no. 1 [1997]: 12).

* The other two jurors who voted for acquittal were Barbara Marter and Claire Roberts ("Third Davis Trial Is Being Planned," *Philadelphia Evening Bulletin*, Aug. 23, 1941). They were evidently befriended and influenced by Ella Clark (H. J. Pharies, FBI Report, "J. Warren Davis, Judge, U.S. Circuit Court of Appeals, Third Circuit [et al.]," Oct. 2, 1941, 34. Box 15, 118 Files, *United States v. J. Warren Davis and Morgan S. Kaufman*, NARA, Philadelphia).